

PAKISTAN OR THE PARTITION OF INDIA

Contents

PART V :

[Chapter XIII : Must there be Pakistan](#)

[Chapter XIV : The problems of Pakistan](#)

[Chapter XV : Who can decide ?](#)

EPILOGUE

PART V

Different people have thought differently of what has been said in the foregoing pages on the question of 'Pakistan. One set of people have alleged that I have only stated the two sides of the issue and the problems arising out of it but have not expressed my personal views on either of them. This is not correct. Anyone who has read the preceding parts will have to admit that I have expressed my views in quite positive terms, if not on all, certainly on many questions. In particular I may refer to two of the most important ones in the controversy, namely, Are the Muslims a Nation, and Have they a case for Pakistan. There are others whose line of criticism is of a different sort. They do not complain that I have failed to express my personal views. What they complain is that in coming to my conclusions I have relied on propositions as though they were absolute in their application and have admitted no exception. I am told, " Have you not stated your conclusions in too general terms ? Is not a general proposition subject to conditions and limitations ? Have you not disposed of certain complicated problems in a brief and cavalier fashion ? Have you shown how Pakistan can be brought into existence in a just and peaceful manner ?" Even this criticism is not altogether correct. It is not right to say that I have omitted to deal with these points. It may be that my treatment of them is brief, and scattered. However, I am prepared to admit that there is much force in this criticism and I am in duty bound to make good the default. This part is therefore intended and is devoted to the consideration of the following subjects :—

- 1. What are the limiting considerations which affect the Muslim case for Pakistan ?*
- 2. What are the problems of Pakistan ? and what is their solution ?*
- 3. Who has the authority to decide the issue of Pakistan ?*

CHAPTER XIII MUST THERE BE PAKISTAN ?

I

With all that has gone before, the sceptic, the nationalist, the conservative and the old-world Indian will not fail to ask " Must there be Pakistan ?" No one can make light of such an attitude. For the problem of Pakistan is indeed very grave and it must be admitted that the question is not only a relevant and fair one to be put to the Muslims and to their protagonists but it is also important. Its importance lies in the fact that the limitations on the case for Pakistan are so considerable in their force that they can never be easily brushed aside. A mere statement of these limitations should be enough to make one feel the force they have. It is writ large on the very face of them. That being so, the burden of proof on the Muslims for establishing an imperative need in favour of Pakistan is very heavy. Indeed the issue of Pakistan or to put it plainly of partitioning India, is of such a grave character that the Muslims will not only have to discharge this burden of proof but they will have to adduce evidence of such a character as to satisfy the conscience of an international tribunal before they can win their case. Let us see how the case for Pakistan stands in the light of these limitations.

II

Must there be Pakistan because a good part of the Muslim population of India happens to be concentrated in certain defined areas which can be easily severed from the rest of India ? Muslim population is admittedly concentrated in certain well defined areas and it may be that these areas are severable. But what of that ? In considering this question one must never lose sight of the fundamental fact that nature has made India one single geographical unit. Indians are of course quarrelling and no one can prophesy when they will stop quarrelling. But granting the fact, what does it establish ? Only that Indians are a quarrelsome people. It does not destroy the fact that India is a single geographical unit. Her unity is as ancient as Nature. Within this geographic unit and covering the whole of it there has been a cultural unity from time immemorial. This cultural unity has defied political and racial divisions. And at any rate for the last hundred and fifty years all institutions—cultural, political, economic, legal and administrative—have been working on a single, uniform spring of action. In any discussion of Pakistan the fact cannot be lost sight of, namely, that the starting point, if not the governing factor, is the fundamental unity of India. For it is necessary to grasp the fact that there are really two cases of partition which must be clearly distinguished. There is a case in which the starting point is a pre existing state of separation so that partition is only a dissolution of parts which were once

separate and which were subsequently joined together. This case is quite different from another in which the starting point at all times is a state of unity. Consequently partition in such a case is the severance of a territory which has been one single whole into separate parts. Where the starting point is not unity of territory, i.e., where there was disunity before there was unity, partition—which is only a return to the original—may not give a mental shock. But in India the starting point is unity. Why destroy its unity now, simply because some Muslims are dissatisfied ? Why tear it when the unit is one single whole from historical times ?

III

Must there be Pakistan because there is communal antagonism between the Hindus and the Muslims ? That the communal antagonism exists nobody can deny. The question however is, is the antagonism such that there is no will to live together in one country and under one constitution ? Surely that will to live together was not absent till 1937. During the formulation of the provisions of the Government of India Act, 1935, both Hindus and Musalmans accepted the view that they must live together under one constitution and in one country and participated in the discussions that preceded the passing of the Act. And what was the state of communal feeling in India between—say 1920 and 1935 ? As has been recorded in the preceding pages, the history of India from 1920 up to 1935 has been one long tale of communal conflict in which the loss of life and loss of property had reached a most shameful limit. Never was the communal situation so acute as it was between this period of 15 years preceding the passing of the Government of India Act, 1935, and yet this long tale of antagonism did not prevent the Hindus and the Musalmans from agreeing to live in a single country and under a single constitution. Why make so much of communal antagonism now ?

Is India the only country where there is communal antagonism ? What about Canada ? Consider what Mr. Alexander Brady ¹ has to say on the relations between the English and the French in Canada :—

" Of the four original provinces, three. Nova Scotia, New Brunswick and Ontario had populations substantially of the same Anglo-Saxon stock and traditions. Originally a by-product of the American Revolution, these colonies were established by the 50,000 United Empire Loyalists who trekked north from persecution and cut their settlements out of the wilderness. Previous to the American Revolution, Nova Scotia had received a goodly number of Scotch and American settlers, and in all the colonies after the Revolution the Loyalist settlements were reinforced by immigrants from Great Britain and Ireland."

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" Very different was the province of Quebec. French Canada in 1867 was a cultural unit by itself, divorced from the British communities, by the barriers of race, language and religion. Its life ran in a different mould. Stirred by a Catholic faith mediaeval in its intensity, it viewed with scant sympathy the mingled Puritanism and other-worldliness of a Protestantism largely Calvinistic. The religious faiths of the two peoples were indeed poles apart. In social, if not always in religious, outlook, English Protestantism tended towards democracy, realism and modernism: the Catholicism of the French leaned to paternalism, idealism and a reverence for the past."

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" What French Canada was in 1867 it remains substantially today. It still cherishes beliefs, customs, and institutions which have little hold on the English provinces. It has distinctive thought and enthusiasm, and its own important values. Its attitude, for example, on marriage and divorce is in conflict with the dominant view, not merely of the rest of Canada, but of the remainder of Anglo-Saxon-North-America."

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" The infrequency of intercourse between the two peoples is illustrated in Canada's largest city, Montreal. About 63 per cent. of the population is French and 24 per cent British. Here, if anywhere, is ample scope for association, but in fact they remain apart and distinct except where business and politics force them together. They have their own residential sections; their own shopping centres, and if either is more notable for racial reserve, it is the English."

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" The English-speaking residents of Montreal, as a whole, have made no effort to know their French-speaking fellow citizens, to learn their language, to understand their traditions and their aspirations, to observe with a keen eye and a sympathetic mind their qualities and their defects. The separation of the two peoples is encouraged by the barrier of language. There is a wealth of significance in the fact revealed by the census of 1921 ; viz., that about 50 per cent. of the Canadians of French origin were unable to speak English and 95 per cent. of those of British origin were unable to speak French. Even in Montreal, 70 per cent. of the British could not speak French and 34 per cent. of the French could not speak English. The absence of a

common language maintains a chasm between the two nationalities and prevents fusion.

" The significance of Confederation is that it provided an instrument of government which enabled the French, while retaining their distinct national life, to become happy partners with the British and attain a Canadian super-nationality, embracing a loyalty extending beyond their own group to that of the Dominion as a whole."

* * * *

" While the federal system successfully opened the path for a wider nationality in Canada, the co-operation which it sponsored has at times been subjected to severe strain by the violent clash of opinion between the French and the British. The super-nationality has indeed often been reduced to a shadow."

What about South Africa ? Let those who do not know the relationship between the Boers and the British ponder over what ,Mr. E. H. Brooks ² has to say :—

" How far is South African nationalism common to both the white races of South Africa ? There is, of course, a very real and intense Afrikaner nationalism ; but it is, generally speaking, a sentiment confined to one of the white races, and characterised, significantly enough, by a love of the Afrikaners language, the tongue of the early settlers from Holland, as modified slightly by Huguenot and German influence, and greatly by the passage of time. Afrikaner nationalism has a tendency to be exclusive, and has little place for the man who, while in every way a devoted son of South Africa, is wholly or mainly English-speaking."

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" Is there a South African nation today ?

" There are certain factors in South African life which militate against an affirmative answer."

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" Among English-speaking South Africans there are found many tendencies inclined to hinder the cause of national unity. With all the great virtues of the race they have its one cardinal defect—a lack of imagination, a difficulty in putting one's self in the other man's place. Nowhere does this come out more clearly than in the language question. Until recently comparatively few English-speaking South Africans have studied Africans except as a business proposition or (as in the Civil Service) more or less under compulsion; and

fewer still have used it conversationally. Many have treated it with open contempt—a contempt in inverse proportion to their knowledge of it—and the majority with mere tolerance, exasperated or amused according to temperament."

Another witness on the same point may be heard. He is Mr. Manfred Nathan.³ This is what he has to say on the relations between the Boers and the British in South Africa :—

" They are also, in the main, both of them Protestant peoples—although this is not of too great importance nowadays, when differences of religion do not count for much. They engage freely in commercial transactions with each other."

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" Nevertheless it cannot with truth be said that hitherto there has been absolutely free social intercourse between these two great sections of the white population. It has been suggested that this is partly due to the fact that in the large urban centres the population is predominantly English, and that the townfolk know little of the people in the country and their ways of life. But even in the country towns, though there is, as a rule, much greater friendliness, and much hospitality shown by Boers to visitors, there is not much social intercourse between the two sections apart from necessary business or professional relationship, and such social functions, charitable or public, as require co-operation."

Obviously India is not the only place where there is communal antagonism. If communal antagonism does not come in the way of the French in Canada living in political unity with the English, if it does not come in the way of the English in South Africa living in political unity with the Dutch, if it does not come in the way of the French and the Italians in Switzerland living in political unity with the Germans why then should it be impossible for the Hindus and the Muslims to agree to live together under one constitution in India?

IV

Must there be Pakistan because the Muslims have lost faith in the Congress majority ? As reasons for the loss of faith Muslims cite some instances of tyranny and oppression practised by the Hindus and connived at by the Congress Ministries during the two years and three months the Congress was in office. Unfortunately Mr. Jinnah did not persist in his demand for a Royal Commission to inquire into these grievances. If he had done it we could have known what truth there was in these complaints. A perusal of these instances, as given in the reports⁴ of the Muslim League Committees, leaves upon the reader the impression that although there may be some truth in the

allegations there is a great deal which is pure exaggeration. The Congress Ministries concerned have issued statements repudiating the charges. It may be that the Congress during the two years and three months that it was in office did not show statesmanship, did not inspire confidence in the minorities, nay tried to suppress them. But can it be a reason for partitioning India ? Is it not possible to hope that the voters who supported the Congress last time will grow wiser and not support the Congress ? Or may it not be that if the Congress returns to office it will profit by the mistakes it has made, revise its mischievous policy and thereby allay the fear created by its past conduct ?

V

Must there be Pakistan because the Musalmans are a nation ? It is a pity that Mr. Jinnah should have become a votary and champion of Muslim Nationalism at a time when the whole world is decrying against the evils of nationalism and is seeking refuge in some kind of international organization. Mr. Jinnah is so obsessed with his new-found faith in Muslim Nationalism that he is not prepared to see that there is a distinction between a society, parts of which are disintegrated, and a society parts of which have become only loose, which no sane man can ignore. When a society is disintegrating—and the two nation theory is a positive disintegration of society and country—it is evidence of the fact that there do not exist what Carlyle calls " organic filaments "—i.e., the vital forces which work to bind together the parts that are cut asunder. In such cases disintegration can only be regretted. It cannot be prevented. Where, however, such organic filaments do exist, it is a crime to overlook them and deliberately force the disintegration of society and country as the Muslims seem to be doing. If the Musalmans want to be a different nation it is not because they have been but because they want to be. There is much in the Musalmans which, if they wish, can roll them into a nation. But isn't there enough that is common to both Hindus and Musalmans, which if developed, is capable of moulding them into one people ? Nobody can deny that there are many modes, manners, rites and customs which are common to both. Nobody can deny that there are rites, customs and usages based on religion which do divide Hindus and Musalmans. The question is, which of these should be emphasized. If the emphasis is laid on things that are common, there need be no two nations in India. If the emphasis is laid on points of difference, it will no doubt give rise to two nations. The view that seems to guide Mr. Jinnah is that Indians are only a people and that they can never be a nation. This follows the line of British writers who make it a point of speaking of Indians as the people of India and avoid speaking of the Indian nation. Granted Indians are not a nation, that they are only a people. What of

that ? History records that before the rise of nations as great corporate personalities, there were only peoples. There is nothing to be ashamed if Indians are no more than a people. Nor is there any cause for despair that the people of India—if they wish—will not become one nation. For, as Disraeli said, a nation is a work of art and a work of time. If the Hindus and Musalmans agree to emphasize the things that bind them and forget those that separate them there is no reason why in course of time they should not grow into a nation. It may be that their nationalism may not be quite so integrated as that of the French or the Germans. But they can easily produce a common state of mind on common questions which is the sum total which the spirit of nationalism helps to produce and for which it is so much prized. Is it right for the Muslim League to emphasize only differences and ignore altogether the forces that bind ? Let it not be forgotten that if two nations come into being it will not be because it is predestined. It will be the result of deliberate design.

The Musalmans of India as I have said are not as yet a nation in the de jure or de facto sense of the term and all that can be said is that they have in them the elements necessary to make them a nation. But granting that the Musalmans of India are a nation, is India the only country where there are going to be two nations ? What about Canada ? Everybody knows that there are in Canada two nations, the English and the French. Are there not two nations in South Africa, the English and the Dutch ? What about Switzerland ? Who does not know that there are three nations living in Switzerland, the Germans, the French and the Italians ? Have the French in Canada demanded partition because they are a separate nation ? Do the English claim partition of South Africa because they are a distinct nation from the Boers ? Has anybody ever heard that the Germans, the French and the Italians have ever agitated for the fragmentation of Switzerland because they are all different nations ? Have the Germans, the French and the Italians ever felt that they would lose their distinctive cultures if they lived as citizens of one country and under one constitution ? On the contrary, all these distinct nations have been content to live together in one country under one constitution without fear of losing their nationality and their distinctive cultures. Neither have the French in Canada ceased to be French by living with the English, nor have the English ceased to be English by living with the Boers in South Africa. The Germans, the French and the Italians have remained distinct nations notwithstanding their common allegiance to a common country and a common constitution. The case of Switzerland is worthy of note. It is surrounded by countries, the nationalities of which have a close religious and racial affinity with the nationalities of Switzerland.

Notwithstanding these affinities the nationalities in Switzerland have been Swiss first and Germans, Italians and French afterwards.

Given the experience of the French in Canada, the English in South Africa and the French and the Italians in Switzerland, the questions that arise are, why should it be otherwise in India ? Assuming that the Hindus and the Muslims split into two nations, why cannot they live in one country and under one constitution ? Why should the emergence of the two-nation theory make partition necessary ? Why should the Musalmans be afraid of losing their nationality and national culture by living with the Hindus ? If the Muslims insist on separation, the cynic may well conclude that there is so much that is common between the Hindus and the Musalmans that the Muslim leaders are afraid that unless there is partition whatever little distinctive Islamic culture is left with the Musalmans will eventually vanish by continued social contact with the Hindus with the result that in the end instead of two nations there will grow up in India one nation. If the Muslim nationalism is so thin then the motive for partition is artificial and the case for Pakistan loses its very basis.

VI

Must there be Pakistan because otherwise Swaraj will be a Hindu Raj ? The Musalmans are so easily carried away by this cry that it is necessary to expose the fallacies underlying it.

In the first place, is the Muslim objection to Hindu Raj a conscientious objection or is it a political objection ? If it is a conscientious objection all one can say is that it is a very strange sort of conscience. There are really millions of Musalmans in India who are living under unbridled and uncontrolled Hindu Raj of Hindu Princes and no objection to it has been raised by the Muslims or the Muslim League. The Muslims had once a conscientious objection to the British Raj. Today not only have they no objection to it but they are the greatest supporters of it. That there should be no objection to British Raj or to undiluted Hindu Raj of a Hindu Prince but that there should be objection to Swaraj for British India on the ground that it is Hindu Raj as though it was not subjected to checks and balances is an attitude the logic of which it is difficult to follow.

The political objections to Hindu Raj rest on various grounds. The first ground is that Hindu society is not a democratic society. True, it is not. It may not be right to ask whether the Muslims have taken any part in the various movements for reforming Hindu society as distinguished from proselytising. But it is right to ask if the Musalmans are the only sufferers from the evils that admittedly result from the undemocratic character of Hindu society. Are not the millions of Shudras and non-Brahmins or millions of the Untouchables, suffering the worst consequences of the undemocratic character of Hindu

society ? Who benefits from education, from public service and from political reforms except the Hindu governing class—composed of the higher castes of the Hindus—which form not even 10 per cent. of the total Hindu population ? Has not the governing class of the Hindus, which controls Hindu politics, shown more regard for safeguarding the rights and interests of the Musalmans than they have for safeguarding the rights and interests of the Shudras and the Untouchables ? Is not Mr. Gandhi, who is determined to oppose any political concession to the Untouchables, ready to sign a blank cheque in favour of the Muslims ? Indeed, the Hindu governing class seems to be far more ready to share power with the Muslims than it is to share power with the Shudras and the Untouchables. Surely, the Muslims have the least ground to complain of the undemocratic character of Hindu society.

Another ground on which the Muslim objection to Hindu Raj rests is that the Hindus are a majority community and the Musalmans are a minority community. True. But is India the only country where such a situation exists ? Let us compare the conditions in India with the conditions in Canada, South Africa and Switzerland. First, take the distribution of population. In Canada ⁵ out of a total population of 10,376,786 only 2,927,990 are French. In South Africa ⁶ the Dutch number 1,120,770 and the English are only 783,071. In Switzerland ⁷ out of the total population of 4,066,400 the Germans are 2,924,313, the French 831,097 and the Italians 242,034.

This shows that the smaller nationalities have no fear of being placed under the Raj of a major community. Such a notion seems to be quite foreign to them. Why is this so? Is it because there is no possibility of the major nationality establishing its supremacy in those centres of power and authority, namely the Legislature and in the Executive ? Quite the contrary. Unfortunately no figures are available to show the actual extent of representation which the different major and minor nationalities have in Switzerland, Canada and South Africa. That is because there is no communal reservation of seats such as is found in India. Each community is left to win in a general contest what number of seats it can. But it is quite easy to work out the probable number of seats which each nationality can obtain on the basis of the ratio of its population to the total seats in the Legislature Proceeding on this basis what do we find? In Switzerland the total representatives in the Lower House is 187. Out of them the German population has a possibility of winning 138, French 42 and Italians only 7 seats. In South Africa out of the total of 153, there is a possibility of the English gaining 62, and the Dutch 94 seats. In Canada the total is 245. Of these the French ⁸ have only 65. On this basis it is quite clear that in all these countries there is a possibility of the major nationality establishing its supremacy over the minor nationalities.

Indeed, one may go so far as to say that speaking de jure and as a mere matter of form in Canada the French are living under the British Raj, the English in South Africa under the Dutch Raj, and the Italians and French in Switzerland under the German Raj. But what is the position de facto ? Have Frenchmen in Canada raised a cry that they will not live under British Raj ? Have Englishmen in South Africa raised a cry that they will not live under Dutch Raj ? Have the French and Italians in Switzerland any objection to living under the German Raj ? Why should then the Muslims raise this cry of Hindu Raj ?

Is it proposed that the Hindu Raj should be the rule of a naked communal majority ? Are not the Musalmans granted safeguards against the possible tyranny of the Hindu majority ? Are not the safeguards given to the Musalmans of India wider and better than the safeguards which have been given to the French in Canada, to the English in South Africa and to the French and the Italians in Switzerland? To take only one item from the list of safeguards. Haven't the Musalmans got an enormous degree of weightage in representation in the Legislature ? Is weightage known in Canada, South Africa or Switzerland ? And what is the effect of this weightage to Muslims ? Is it not to reduce the Hindu majority in the Legislature? What is the degree of reduction? Confining ourselves to British India and taking account only of the representation granted to the territorial constituencies, Hindu and Muslim, in the Lower House in the Central Legislature under the Government of India Act, 1935, it is clear that out of a total of 187, the Hindus have 105 seats and the Muslims have 82 seats. Given these figures one is forced to ask where is the fear of the Hindu Raj ?

If Hindu Raj does become a fact, it will, no doubt, be the greatest calamity for this country. No matter what the Hindus say, Hinduism is a menace to liberty, equality and fraternity. On that account it is incompatible with democracy. Hindu Raj must be prevented at any cost. But is Pakistan the true remedy against it ? What makes communal Raj possible is a marked disproportion in the relative strength of the various communities living in a country. As pointed out above, this disproportion is not more marked in India than it is in Canada, South Africa and Switzerland. Nonetheless there is no British Raj in Canada, no Dutch Raj in South Africa, and no German Raj in Switzerland. How have the French, the English and the Italians succeeded in preventing the Raj of the majority community being established in their country ? Surely not by partition : What is their method ? Their method is to put a ban on communal parties in politics. No community in Canada, South Africa or Switzerland ever thinks of starting a separate communal party. What is important to note is that it is the minority nations which have taken the lead

in opposing the formation of a communal party. For they know that if they form a communal political party the major community will also form a communal party and the majority community will thereby find it easy to establish its communal Raj. It is a vicious method of self-protection. It is because the minority nations are fully aware how they will be hoisted on their own petard that they have opposed the formation of communal political parties.

Have the Muslims thought of this method of avoiding Hindu Raj. Have they considered how easy it is to avoid it ? Have they considered how futile and harmful the present policy of the League is ? The Muslims are howling against the Hindu Maha Sabha and its slogan of Hindudom and Hindu Raj. But who is responsible for this ? Hindu Maha Sabha and Hindu Raj are the inescapable nemesis which the Musalmans have brought upon themselves by having a Muslim League. It is action and counter-action. One gives rise to the other. Not partition, but the abolition, of the Muslim League and the formation of a mixed party of Hindus and Muslims is the only effective way of burying the ghost of Hindu Raj. It is, of course, not possible for Muslims and other minority parties to join the Congress or the Hindu Maha Sabha so long as the disagreement on the question of constitutional safeguards continues. But this question will be settled, is bound to be settled and there is every hope that the settlement will result in securing to the Muslims and other minorities the safeguards they need. Once this consummation, which we so devoutly wish, takes place nothing can stand in the way of a party re-alignment, of the Congress and the Maha Sabha breaking up and of Hindus and Musalmans forming mixed political parties based on an agreed programme of social and economic regeneration, and thereby avoid the danger of both Hindu Raj or Muslim Raj becoming a fact. Nor should the formation of a mixed party of Hindus and Muslims be difficult in India. There are many lower orders in the Hindu society whose economic, political and social needs are the same as those of the majority of the Muslims and they would be far more ready to make a common cause with the Muslims for achieving common ends than they would with the high caste of Hindus who have denied and deprived them of ordinary human rights for centuries. To pursue such a course cannot be called an adventure. The path along that line is a well trodden path. Is it not a fact that under the Montagu-Chelmsford Reforms in most Provinces, if not in all, the Muslims, the Non-Brahmins and the Depressed Classes united together and worked the reforms as members of one team from 1920 to 1937 ? Herein lay the most fruitful method of achieving communal harmony among Hindus and Muslims and of destroying the danger of a Hindu Raj. Mr. Jinnah could have easily pursued this line. Nor was it difficult for Mr. Jinnah to

succeed in it. Indeed Mr. Jinnah is the one person who had all the chances of success on his side if he had tried to form such a united non-communal party. He has the ability to organize. He had the reputation of a nationalist. Even many Hindus who were opposed to the Congress would have flocked to him if he had only sent out a call for a united party of like-minded Hindus and Muslims. What did Mr. Jinnah do ? In 1937 Mr. Jinnah made his entry into Muslim politics and strangely enough he regenerated the Muslim League which was dying and decaying and of which only a few years ago he would have been glad to witness the funeral. However regrettable the starting of such a communal political party may have been, there was in it one relieving feature. That was the leadership of Mr. Jinnah. Everybody felt that with the leadership of Mr. Jinnah the League could never become a merely communal party. The resolutions passed by the League during the first two years of its new career indicated that it would develop into a mixed political party of Hindus and Muslims. At the annual session of the Muslim League held at Lucknow in October 1937 altogether 15 resolutions were passed. The following two are of special interest in this connection.

Resolution⁹ No. 7:

" This meeting of the All India Muslim League deprecates and protests against the formation of Ministries in certain Provinces by the Congress parties in flagrant violation of the letter and the spirit of the Government of India Act, 1935, and Instrument of Instructions and condemns the Governors for their failure to enforce the special powers entrusted to them for the safeguards of the interest of the Musalmans and other important minorities"

Resolution* No. 8:

" Resolved that the object of the All India Muslim League shall be the establishment in India of Full Independence in the form of federation of free democratic states in which the rights and interests of the Musalmans and other minorities are adequately and effectively safeguarded in the constitution."

Equal number of resolutions were passed at the next annual session of the League held at Patna in December 1938. Resolution* No. 10 is noteworthy. It reads as follows :—

"The All India Muslim League reiterates its view that the scheme of Federation embodied in the Government of India Act, 1935, is not acceptable, but in view of the further developments that have taken place or may take place from time to time it hereby authorises the President of the All India Muslim League to adopt such course as may be necessary with a view to explore the possibility of a suitable alternative which will safeguard

the interests of the Musalmans and other minorities in India." By these resolutions Mr. Jinnah showed that he was for a common front between the Muslims and other non-Muslim minorities. Unfortunately the catholicity and statesmanship that underlies these resolutions did not last long. In 1939 Mr. Jinnah took a somersault and outlined the dangerous and disastrous policy of isolation of the Musalmans by passing that notorious resolution in favour of Pakistan. What is the reason for this isolation ? Nothing but the change of view that the Musalmans were a nation and not a community ! ! One need not quarrel over the question whether the Muslims are a nation or a community. But one finds it extremely difficult to understand how the mere fact that the Muslims are a nation makes political isolation a safe and sound policy ? Unfortunately Muslims do not realize what disservice Mr. Jinnah has done to them by this policy. But let Muslims consider what Mr. Jinnah has achieved by making the Muslim League the only organization for the Musalmans. It may be that it has helped him to avoid the possibility of having to play the second fiddle. For inside the Muslim camp he can always be sure of the first place for himself. But how does the League hope to save by this plan of isolation the Muslims from Hindu Raj ? Will Pakistan obviate the establishment of Hindu Raj in Provinces in which the Musalmans are in a minority ? Obviously it cannot. This is what would happen in the Muslim minority Provinces if Pakistan came. Take an all-India view. Can Pakistan prevent the establishment of Hindu Raj at the centre over Muslim minorities that will remain Hindustan? It is plain that it cannot. What good is Pakistan then ? Only to prevent Hindu Raj in Provinces in which the Muslims are in a majority and in which there could never be Hindu Raj ! ! To put it differently Pakistan is unnecessary to Muslims where they are in a majority because there, there is no fear of Hindu Raj. It is worse than useless to Muslims where they are in a minority, because Pakistan or no Pakistan they will have to face a Hindu Raj. Can politics be more futile than the politics of the Muslim League ? The Muslim League started to help minority Muslims and has ended by espousing the cause of majority Muslims. What a perversion in the original aim of the Muslim League ! What a fall from the sublime to the ridiculous ! Partition as a remedy against Hindu Raj is worse than useless.

VI

These are some of the weaknesses in the Muslim case for Pakistan which have occurred to me. There might be others which have not struck me. But the list as it is, is quite a formidable one. How do the Muslims propose to meet them ? That is a question for the Muslims and not for me. My duty as a student of the subject extends to setting forth these weaknesses. That I have done. I have nothing more to answer for.

There are, however, two other questions of such importance that this discussion cannot be closed with any sense of completeness without reference to them. The purpose of these questions is to clear the ground between myself and my critics. Of these questions, one I am entitled to ask the critics, the other the critics are entitled to ask me.

Beginning with the first question, what I feel like asking the critics is, what good do they expect from a statement of these weaknesses ? Do they expect the Musalmans to give up Pakistan if they are defeated in a controversy over the virtues of Pakistan ? That of course depends upon what method is adopted to resolve this controversy. The Hindus and the Musalmans may follow the procedure which Christian missionaries had set up in early times in order to secure converts from amongst the Hindus. According to this procedure a day was appointed for a disputation, which was open to public, between a Christian missionary and a Brahmin, the former representing the Christian religion and the latter holding himself out as the protagonist of the Hindu religion with the condition that whoever failed to meet the case against his religion was bound to accept the religion of the other. If such a method of resolving the dispute between the Hindus and the Muslims over the issue of Pakistan was agreed upon there may be some use in setting out this string of weaknesses. But let it not be forgotten that there is another method of disposing of a controversy which maybe called Johnsonian after the manner which Dr. Johnson employed in dealing with arguments of Bishop Berkeley. It is recorded by Boswell that when he told Dr. Johnson that the doctrine of Bishop Berkeley that matter was non-existent and that everything in the universe was merely ideal, was only an ingenious sophistry but that it was impossible to refute it. Dr. Johnson with great alacrity answered, striking his foot with mighty force against a large stone, till he rebounded from it saying, " I refute it thus." It may be that the Musalmans will agree, as most rational people do, to have their case for Pakistan decided by the tests of reason and argument. But I should not be surprised if the Muslims decided to adopt the method of Dr. Johnson and say " Damn your arguments ! We want Pakistan." In that event the critic must realize that any reliance placed upon the limitations for destroying the case for Pakistan will be of no avail. It is therefore no use being jubilant over the logic of these objections to Pakistan.

Let me now turn to the other question which I said the critic is entitled to put to me. What is my position regarding the issue of Pakistan in the light of the objections, which I have set out ? I have no doubts as to my position. I hold firmly that, subject to certain conditions, detailed in the chapters that follow, if the Musalmans are bent on having Pakistan then it must be conceded to them. I know my critics will at once accuse me of inconsistency and will

demand reasons for so extraordinary a conclusion— extraordinary because of the view expressed by me in the earlier part of this chapter that the Muslim case for Pakistan has nothing in it which can be said to carry the compelling force which the decree of an inexorable fate may be said to have. I withdraw nothing from what I have said as to the weaknesses in the Muslim case for Pakistan. Yet I hold that if the Muslims must have Pakistan there is no escape from conceding it to them. As to the reasons which have led me to that conclusion I shall not hesitate to say that the strength or weakness of the logic of Pakistan is not one of them. In my judgement there are two governing factors which must determine the issue. First is the defence of India and second is the sentiment of the Muslims. I will state why I regard them as decisive and how in my opinion they tell in favour of Pakistan.

To begin with the first. One cannot ignore that what is important is not the winning of independence but the having of the sure means of maintaining it. The ultimate guarantee of the independence of a country is a safe army—an army on which you can rely to fight for the country at all time and in any eventuality. The army in India must necessarily be a mixed army composed of Hindus and Muslims. If India is invaded by a foreign power, can the Muslims in the army be trusted to defend India ? Suppose invaders are their co-religionists. Will the Muslims side with the invaders or will they stand against them and save India ? This is a very crucial question. Obviously, the answer to this question must depend upon to what extent the Muslims in the army have caught the infection of the two-nation theory, which is the foundation of Pakistan. If they are infected, then the army in India cannot be safe. Instead of being the guardian of the independence of India, it will continue to be a menace and a potential danger to its independence. I confess I feel aghast when I hear some Britishers argue that it is for the defence of India that they must reject Pakistan. Some Hindus also sing the same tune. I feel certain that either they are unaware as to what the determining factor in the independence of India is or that they are talking of the defence of India not as an independent country responsible for its own defence but as a British possession to be defended by them against an intruder. This is a hopelessly wrong angle of vision. The question is not whether the British will be able to defend India better if there was no partition of India. The question is whether Indians will be able to defend a free India. To that, I repeat, the only answer is that Indians will be able to defend a free India on one and one condition alone—namely, if the army in India remains non-political, unaffected by the poison of Pakistan. I want to warn Indians against the most stupid habit that has grown up in this country of discussing the question of Swaraj without reference to the question of the army. Nothing can be more fatal than the

failure to realize that a political army is the greatest danger to the liberty of India. It is worse than having no army.

Equally important is the fact that the army is the ultimate sanction which sustains Government in the exercise of its authority inside the country, when it is challenged by a rebellious or recalcitrant element. Suppose the Government of the day enunciates a policy which is vehemently opposed by a section of the Muslims. Suppose the Government of the day is required to use its army to enforce its policy. Can the Government of the day depend upon the Muslims in the army to obey its orders and shoot down the Muslim rebels? This again depends upon to what extent the Muslims in the army have caught the infection of the two-nation theory. If they have caught it, India cannot have a safe and secure Government.

Turning to the second governing factor the Hindus do not seem to attach any value to sentiment as a force in politics. The Hindus seem to rely upon two grounds to win against the Muslims. The first is that even if the Hindus and the Muslims are two nations, they can live under one state. The other is that the Muslim case for Pakistan is founded on strong sentiment rather than upon clear argument. I don't know how long the Hindus are going to fool themselves with such arguments. It is true that the first argument is not without precedent. At the same time it does not call for much intelligence to see that its value is extremely limited. Two nations and one state is a pretty plea. It has the same attraction which a sermon has and may result in the conversion of Muslim leaders. But instead of being uttered as a sermon if it is intended to issue it as an ordinance for the Muslims to obey it will be a mad project to which no sane man will agree. It will, I am sure, defeat the very purpose of Swaraj. The second argument is equally silly. That the Muslim case for Pakistan is founded on sentiment is far from being a matter of weakness; it is really its strong point. It does not need deep understanding of politics to know that the workability of a constitution is not a matter of theory. It is a matter of sentiment. A constitution like clothes must suit as well as please. If a constitution does not please, then, however perfect it may be, it will not work. To have a constitution which runs counter to the strong sentiments of a determined section is to court disaster if not to invite rebellion.

It is not realized by the Hindus that, assuming there is a safe army, rule by armed forces is not the normal method of governing a people. Force, it cannot be denied, is the medicine of the body politic and must be administered when the body politic becomes sick. But just because force is the medicine of the body politic it cannot be allowed to become its daily bread. A body politic must work as a matter of course by springs of action which are natural. This can happen only when the different elements constituting the body politic have the

will to work together and to obey the laws and orders passed by a duly constituted authority. Suppose the new constitution for a United India contained in it all the provisions necessary to safeguard the interests of the Muslims. But suppose the Muslims said " Thank you for your safeguards, we don't want to be ruled by you " ; and suppose they boycott the Legislatures, refuse to obey laws, oppose the payment of taxes ; what is to happen ? Are the Hindus prepared to extract obedience from Muslims by the use of Hindu bayonets ? Is Swaraj to be an opportunity to serve the people or is it to be an opportunity for Hindus to conquer the Musalmans and for the Musalmans to conquer the Hindus ? Swaraj must be a Government of the people by the people and for the people. This is the *raison d'etre* of Swaraj and the only justification for Swaraj. If Swaraj is to usher in an era in which the Hindus and the Muslims will be engaged in scheming against each other, the one planning to conquer its rival, why should we have Swaraj and why should the democratic nations allow such a Swaraj to come into existence ? It will be a snare, a delusion and a perversion.

The non-Muslims do not seem to be aware that they are presented with a situation in which they are forced to choose between various alternatives. Let me state them. In the first place they have to choose between Freedom of India and the Unity of India. If the non-Muslims will insist on the Unity of India they put the quick realization of India's freedom into jeopardy. The second choice relates to the surest method of defending India, whether they can depend upon Muslims in a free and united India to develop and sustain along with the non-Muslims the necessary will to defend the common liberties of both: or whether it is better to partition India and thereby ensure the safety of Muslim India by leaving its defence to the Muslims and of non-Muslim India by leaving its defence to non-Muslims.

As to the first, I prefer Freedom of India to the Unity of India. The Sinn Feinners who were the staunchest of nationalists to be found anywhere in the world and who like the Indians were presented with similar alternatives chose the freedom of Ireland to the unity of Ireland. The non-Muslims who are opposed to partition may well profit by the advice tendered by the Rev. Michael O'Flanagan, at one time Vice-President of the Feinns to the Irish Nationalists on the issue of the partition of Ireland. ¹⁰ Said the Rev. Father :—

" If we reject Home Rule rather than agree to the exclusion of the Unionist parts of Ulster, what case have we to put before the world ? We can point out that Ireland is an island with a definite geographical boundary. That argument might be all right if we were appealing to a number of Island nationalities that had themselves definite geographical boundaries. Appealing, as we are, to continental nations with shifting boundaries, that

argument will have no force whatever. National and geographical boundaries scarcely ever coincide. Geography would make one nation of Spain and Portugal; history has made two of them. Geography did its best to make one nation of Norway and Sweden ; history has succeeded in making two of them. Geography has scarcely anything to say to the number of nations upon the North American continent; history has done the whole thing. If a man were to try to construct a political map of Europe out of its physical map, he would find himself groping in the dark. Geography has worked hard to make one nation out of Ireland; history has. worked against it. The island of Ireland and the national unit of Ireland simply do not coincide. In the last analysis the test of nationality is the wish of the people."

These words have emanated from a profound sense of realism which we in India so lamentably lack.

On the second issue I prefer the partitioning of India into Muslim India and non-Muslim India as the surest and safest method of providing for the defence of both. It is certainly the safer of the two alternatives. I know it will be contended that my fears about the loyalty of the Muslims in the army to a Free and United India arising from the infection of the two nation theory is only an imaginary fear. That is no doubt true. That does not militate against the soundness of the choice I have made. I may be wrong. But I certainly can say without any fear of contradiction that, to use the words of Burke, it is better to be ridiculed for too great a credulity than to be ruined by too confident a sense of security. I don't want to leave things to chance. To leave so important an issue, as the defence of India, to. chance is to be guilty of the grossest crime.

Nobody will consent to the Muslim demand for Pakistan unless he is forced to do so. At the same time, it would be a folly not to face what is inevitable and face it with courage and common sense. Equally would it be a folly to lose the. Part one can retain in the vain attempt of preserving the whole.

These are the reasons why I hold that if the Musalman will not yield on the issue of Pakistan then Pakistan must come. So far as I am concerned the only important question is : Are the Musalmans determined to have Pakistan ? Or is Pakistan a mere cry ? Is it only a passing mood ? Or does it represent their permanent aspiration ? On this there may be difference of opinion. Once it becomes certain that the Muslims want Pakistan there can be no doubt that the wise course would be to concede the principle of it.

CHAPTER XIV

THE PROBLEMS OF PAKISTAN

Among the many problems to which the partition of India into Pakistan and Hindustan must give rise will be the following three problems:—

- (1) The problem of the allocation of the financial assets and liabilities of the present Government of India,
- (2) The problem of the delimitation of the areas, and
- (3) The problem of the transfer of population from Pakistan to Hindustan and vice versa.

Of these problems the first is consequential, in the sense, that it would be worth while to consider it only when the partition of India has been agreed to by the parties concerned. The two other problems stand on a different footing. They are conditions precedent to Pakistan in the sense that there are many people who will not make up their mind on Pakistan unless they are satisfied that some reasonable and just solution of them is possible. I will, therefore, confine myself to the consideration only of the last two problems of Pakistan.

II

On the question of the boundaries of Pakistan we have had so far no clear and authoritative statement from the Muslim League. In fact it is one of the complaints made by the Hindus that while Mr. Jinnah has been carrying on a whirlwind campaign in favour of Pakistan, which has resulted in fouling the political atmosphere in the country, Mr. Jinnah has not thought fit to inform his critics of the details regarding the boundaries of his proposed Pakistan. Mr. Jinnah's argument has all along been that any discussion regarding the boundaries of Pakistan is premature and that the boundaries of Pakistan will be a matter for discussion when the principle of Pakistan has been admitted. It may be a good rhetorical answer, but it certainly does not help those who wish to apply their mind without taking sides to offer whatever help they can to bring about a peaceful solution of this problem. Mr. Jinnah seems to be under the impression that if a person is committed to the principle of Pakistan he will be bound to accept Mr. Jinnah's plan of Pakistan. There cannot be a greater mistake than this. A person may accept the principle of Pakistan, which only means the partition of India. But it is difficult to understand how the acceptance of this principle can commit him to Mr. Jinnah's plan of Pakistan. Indeed if no plan of Pakistan is satisfactory to him he will be quite free to oppose any form of Pakistan although he may be in favour of the principle of Pakistan. The plan of Pakistan and the principle of Pakistan are therefore two quite distinct propositions. There is nothing wrong in this view. By way of illustration it may be said that the principle of self-determination is like an explosive substance. One may agree in principle to its use when the necessity and urgency of the occasion is proved. But no one can consent to the use of the dynamite without first knowing the area that is intended to be

blown up. If the dynamite is going to blow up the whole structure or if it is not possible to localize its application to a particular part he may well refuse to apply the dynamite and prefer to use some other means of solving the problem. Specifications of boundary lines seem therefore to be an essential preliminary for working out in concrete shape the principle of Pakistan. Equally essential it is for a bona fide protagonist of Pakistan not to hide from the public the necessary particulars of the scheme of Pakistan. Such contumacy and obstinacy as shown by Mr. Jinnah in refusing to declare the boundaries of his Pakistan is unforgivable in a statesman. Nevertheless those who are interested in solving the question of Pakistan need not wait to resolve the problems of Pakistan until Mr. Jinnah condescends to give full details. Only one has to carry on the argument on the basis of certain assumptions. In this discussion I will assume that what the Muslim League desires is that the boundaries of the Western Pakistan should be the present boundaries of the Provinces of the North-West Frontier, the Punjab, Sind and Baluchistan, and that the boundaries of Eastern Pakistan should be the boundaries of the present Province of Bengal with a few districts of Assam thrown in.

III

The question for consideration therefore is : Is this a just claim ? The claim is said to be founded on the principle of self-determination. To be able to assess the justice of this claim it is necessary to have a clear understanding of the scope and limitations of the principle of self-determination. Unfortunately, there seems to be a complete lack of such an understanding. It is therefore necessary to begin with the question : What is the de facto and de jure' connotation of this principle of self-determination ? The term self-determination has become current since the last few years. But it describes something which is much older. The idea underlying self-determination has developed along two different lines. During the 19th century self-determination meant the right to establish a form of government in accordance with the wishes of the people. Secondly, self-determination has meant the right to obtain national independence from an alien race irrespective of the form of government. The agitation for Pakistan has reference to self-determination in its second aspect.

Confining the discussion to this aspect of Pakistan it seems to me essential that the following points regarding the issue of self-determination should be borne in mind.

In the first place, self-determination must be by the people. This point is too simple even to need mention. But it has become necessary to emphasize it. Both the Muslim League and the Hindu Maha Sabha seem to be playing fast and loose with the idea of self-determination. An area is claimed by the

Muslim League for inclusion in Pakistan because the people of the area are Muslims. An area is also claimed for being included in Pakistan because the ruler of the area is a Muslim though the majority of the people of that area are non-Muslims. The Muslim League is claiming the benefit of self-determination in India. At the same time the League is opposed to self-determination being applied to Palestine. The League claims Kashmir as a Muslim State because the majority of people are Muslims and also Hyderabad because the ruler is Muslim. In like manner the Hindu Maha Sabha claims an area to be included in Hindustan because the people of the area are non-Muslims. It also comes forward to claim an area to be a part of Hindustan because the ruler is a Hindu though the majority of the people are Muslims. Such strange and conflicting claims are entirely due to the fact that either the parties to Pakistan, namely, the Hindus and the Muslims do not understand what self-determination means or are busy in perverting the principle of self-determination to enable them to justify themselves in carrying out the organized territorial loot in which they now seem to be engaged. India will be thrown into a state of utter confusion whenever the question of reorganization of its territories comes up for consideration if people have no exact notions as to what self-determination involves and have not the honesty to stand by the principle and take the consequences whatever they be. It is, therefore, well to emphasize what might be regarded as too simple to require mention, namely, that self-determination is a determination by the people and by nobody else.

The second point to note is the degree of imperative character with which the principle of self-determination can be said to be invested. As has been said by Mr. O' Connor ¹¹ :

" The doctrine of self-determination is not a universal principle at all. The most that can be said about it is that generally speaking, it is a sound working rule, founded upon justice, making for harmony and peace and for the development of people in their own fashion, which, again generally speaking, is the best fashion. But it must yield to circumstances, of which size and geographical situation are some of the most important. Whether the rule should prevail against the circumstances or the circumstances against the rule can be determined only by the application of one's common sense or sense of justice, or, as a Benthamite would prefer to put it, by reference to the greatest good of the greatest number— all these three, if properly understood, are really different methods of expressing the same thing. In solving a particular case very great difficulties may arise. There are facts one way and facts another way. Facts of one kind may make a special appeal to some minds, little or none to others. The problem may be of the kind that is called imponderable, that is to say, no definite conclusion that

will be accepted by the generality of the mankind may be possible. There are cases in which it is no more possible to say that a nation is right in its claim to interfere with the self-determination of another nation than that it is to say that it is wrong. It is a matter of opinion, upon which honest and impartial minds may differ."

There are two reasons why this must be so. Firstly, nationality is not such a sacrosanct and absolute principle as to give it the character of a categorical imperative, over-riding every other consideration. Secondly, separation is not quite so essential for the maintenance and preservation of a distinct nationality.

There is a third point to be borne in mind in connection with the issue of self-determination. Self-determination for a nationality may take the form of cultural independence or may take the form of territorial independence. Which form it can take must depend upon the territorial layout of the population. If a nationality lives in easily severable and contiguous areas, other things being equal, a case can be made out for territorial independence. But where owing to an inextricable intermingling the nationalities are so mixed up that the areas they occupy are not easily severable, then all that they can be entitled to is cultural independence. Territorial separation in a case like this is an impossibility. They are doomed to live together. The only other alternative they have is to migrate.

IV

Having defined the scope and limitations of the idea of self-determination we can now proceed to deal with the question of boundaries of Pakistan. How does the claim of the Muslim League for the present boundary to remain the boundaries of Pakistan stand in the light of these considerations ? The answer to this question seems to me quite clear. The geographical layout seems to decide the issue. No special pleading of any kind is required. In the case of the North-West Frontier Province, Baluchistan and Sind, the Hindus and the Muslims are intermixed. In these Provinces a case for territorial separation for the Hindus seems to be impossible. They must remain content with cultural independence and such political safeguards as may be devised for their safety. The case of the Punjab and Bengal stands on a different footing. A glance at the map shows that the layout of the population of the Hindus and the Muslims in these two Provinces is totally different from what one finds in the other three Provinces. The non-Muslims in the Punjab and Bengal are not found living in small islands in the midst of and surrounded by a vast Muslim population spread over the entire surface as is the case with the North-West Frontier Province, Baluchistan and Sind. In Bengal and the Punjab the Hindus occupy two different areas contiguous and severable. In

these circumstances, there is no reason for conceding what the Muslim League seems to demand, namely, that the present boundaries of the Punjab and Bengal shall continue to be the boundaries of Western Pakistan and Eastern Pakistan.

Two conclusions necessarily follow from the foregoing discussion. One is that the non-Muslims of the Punjab and Bengal have a case for exclusion from Pakistan by territorial severance of the areas they occupy. The other is that the non-Muslims of North-West Frontier Province, Baluchistan and Sind have no case for exclusion and are only entitled to cultural independence and political safeguards. To put the same thing in a different way it may be said that the Muslim League claim for demanding that the boundaries of Sind, North-West Frontier and Baluchistan shall remain as they are cannot be opposed. But that in the case of the Punjab and Bengal such a claim is untenable and that the non-Muslims of these Provinces, if they desire, can claim that the territory they occupy should be excluded by a redrawing of the boundaries of these two Provinces.

V

One should have thought that such a claim by the non-Muslim minorities of the Punjab and Bengal for the redrawing of the boundaries would be regarded by the Muslim League as a just and reasonable claim. The possibility of the redrawing of boundaries was admitted in the Lahore Resolution of the Muslim League passed in March 1940. The Resolution ¹² said :—

" The establishment of completely independent States formed by demarcating geographically contiguous units into regions which shall be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Musalmans are numerically in a majority, as in the north-western and eastern zones of India, shall be grouped together to constitute independent States as Muslim free national homelands in which the constituent units shall be autonomous and sovereign."

That this continued to be the position of the Muslim League is clear from the resolution passed by the Muslim League on the Cripps Proposals as anyone who cares to read it will know. But there are indications that Mr. Jinnah has changed his view. At a public meeting held on 16th November 1942 in Jullunder Mr. Jinnah is reported to have expressed himself in the following terms:—

" The latest trick—1 call it nothing but a trick—to puzzle and to mislead the ignorant masses purposely, and those playing the game understand it, is, why should the right of self-determination be confined to Muslims only and why not extend it to other communities ? Having said that all have the right of self-determination, they say the Punjab must be divided into so many bits

; likewise the North-West Frontier Province and Sind. Thus there will be hundreds of Pakistans.

SUB-NATIONAL GROUPS ¹³

" Who is the author of this new formula that every community has the right of self-determination all over India ? Either it is colossal ignorance or mischief and trick. Let me give them a reply, that the Musalmans claim the right of self-determination because they are a national group on a given territory which is their homeland and in the zones where they are in a majority. Have you known anywhere in history that national groups scattered all over have been given a State ? Where are you going to get a State for them ? In that case you have got 14 per cent. Muslims in the United Provinces. Why not have a State for them ? Muslims in the United Provinces are not a national group; they are scattered. Therefore in constitutional language they are characterized as a sub-national group who cannot expect anything more than what is due from any civilized Government to a minority. I hope I have made the position clear. The Muslims are not a sub-national group; it is their birthright to claim and exercise the right of self-determination."

Mr. Jinnah has completely missed the point. The point raised by his critics was not with regard to the non-Muslim minorities in general. It had reference to the non-Muslim minorities in the Punjab and Bengal. Does Mr. Jinnah propose to dispose of the case of non-Muslim minorities who occupy a compact and an easily severable territory by his theory of a sub-nation ? If that is so, then one is bound to say that a proposition cruder than his it would be difficult to find in any political literature. The concept of a sub-nation is unheard of. It is not only an ingenious concept but it is also a preposterous concept. What does the theory of a subnation connote ? If I understand its implications correctly, it means a sub-nation must not be severed from the nation to which it belongs even when severance is possible: it means that the relations between a nation and a sub-nation are no higher than the relations which subsist between a man and his chattels, or between property and its incidents. Chattels go with the owner, incidents go with property, so a sub-nation goes with a nation. Such is the chain of reasoning in Mr. Jinnah's argument. But does Mr. Jinnah seriously wish to argue that the Hindus of the Punjab and Bengal are only chattels so that they must always go wherever the Muslims of the Punjab and the Muslims of Bengal choose to drive them ? Such an argument will be too absurd to be entertained by any reasonable man. It is also the most illogical argument and certainly it should not be difficult for so mature a lawyer as Mr. Jinnah, to see the illogicality of it. If a

numerically smaller nation is only a sub-nation in relation to a numerically larger nation and has no right to territorial separation, why can it not be said that taking India as a whole the Hindus are a nation and the Muslims a sub-nation and as a sub-nation they have no right to self-determination or territorial separation ?

Already there exists a certain amount of suspicion with regard to the banafides of Pakistan. Rightly or wrongly, most people suspect that Pakistan is pregnant with mischief. They think that it has two motives, one immediate, the other ultimate. The immediate motive, it is said, is to join with the neighbouring Muslim countries and form a Muslim Federation. The ultimate motive is for the Muslim Federation to invade Hindustan and conquer or rather reconquer the Hindu and re-establish Muslim Empire in India. Others think that Pakistan is the culmination of the scheme of hostages which lay behind the demand, put forth by Mr. Jinnah in his fourteen points, for the creation of separate Muslim Provinces. Nobody can fathom the mind of the Muslims and reach the real motives that lie behind their demand for Pakistan. The Hindu opponents of Pakistan if they suspect that the real motives of the Muslims are different from the apparent ones, may take note of them and plan accordingly. They cannot oppose Pakistan because the motives behind it are bad. But they are entitled to ask Mr. Jinnah, Why does he want to have a communal problem within Pakistan ? However vicious may be the motives behind Pakistan it should possess at least one virtue. The ideal of Pakistan should be not to have a communal problem inside it. This is the least of virtues one can expect from Pakistan. If Pakistan is to be plagued by a communal problem in the same way as India has been, why have Pakistan at all ? It can be welcomed only if it provides an escape from the communal problem. The way to avoid it is to arrange the boundaries in such a way that it will be an ethnic State without a minority and a majority pitched against each other. Fortunately it can be made into an ethnic State if only Mr. Jinnah will allow it. Unfortunately Mr. Jinnah objects to it. Therein lies the chief cause for suspicion and Mr. Jinnah, instead of removing it, is deepening it by such absurd, illogical and artificial distinctions as nations and sub-nations.

Rather than resort to such absurd and illogical propositions and defend what is indefensible and oppose what is just, would it not be better for Mr. Jinnah to do what Sir Edward Carson did in the matter of the delimitation of the boundaries of Ulster ? As all those who know the vicissitudes through which the Irish Home Rule question passed know that it was at the Craigavon meeting held on 23rd September 1911 that Sir Edward Carson formulated his policy that in Ulster there will be a government of Imperial Parliament or a Government of Ulster but never a Home Rule Government. As the Imperial

Parliament was proposing to withdraw its government, this policy meant the establishment of a provisional government for Ulster. This policy was embodied in a resolution passed at a joint meeting of delegates representing the Ulster Unionist Council, the County Grand Orange Lodges and Unionist Clubs held in Belfast on 25th September 1911. The Provisional Government of Ulster was to come into force on the day of the passing of the Home Rule Bill. An important feature of this policy was to invest the Provisional Government with a jurisdiction over all " those districts which they (Ulsterites) could control."

The phrase " those districts which they could control " was no doubt meant to include the whole of the administrative division of Ulster. Now this administrative division of Ulster included nine counties. Of these three were overwhelmingly Catholic. This meant the compulsory retention of the three Catholic counties under Ulster against their wishes. But what did Sir Edward Carson do in the end ? It did not take long for Sir Edward Carson to discover that Ulster with three overwhelmingly Catholic districts would be a liability, and with all the courage of a true leader he came out with a declaration that he proposed to cut down his losses and make Ulster safe. In his speech in the House of Commons on the 18th of May 1920 he announced that he was content with six counties only. The speech that he made on that occasion giving his reasons why he was content only with six counties is worth quoting. This is what he said ¹⁴ :—

" The truth is that we came to the conclusion after many anxious hours and anxious days of going into the whole matter, almost parish by parish and townland by townland, that we would have no chance of successfully starting a Parliament in Belfast which would be responsible for the government of Donegal, Caven and Monaghan. It would be perfectly idle for us to come here and pretend that we should be in a position to do so. We should like to have the very largest areas possible, naturally. That is a system of land grabbing that prevails in all countries for widening the jurisdiction of the various governments that are set up ; but there is no use in our undertaking a government which we know would be a failure if we were saddled with these three counties."

These are wise, sagacious and most courageous words. The situation in which they were uttered has a close parallel with the situation that is likely to be created in the Punjab and Bengal by the application of the principle of Pakistan. The Muslim League and Mr. Jinnah if they want a peaceful Pakistan should not forget to take note of them. It is no use asking the non-Muslim minorities in the Punjab and Bengal to be satisfied with safeguards. If the Musalmans are not prepared to be content with safeguards against the

tyranny of Hindu majority why should the Hindu minorities be asked to be satisfied with the safeguards against the tyranny of the Muslim majority ? If the Musalmans can say to the Hindus " Damn your safeguards, we don't want to be ruled by you "—an argument which Carson used against Redmond—the same argument can be returned by the Hindus of the Punjab and Bengal against the Muslim offer to be content with safeguards.

The point is that this attitude is not calculated to lead to a peaceful solution of the problem of Pakistan. Sabre-rattling or show of force will not do. In the first place, this is a game which two can play. In the second place, arms may be an element of strength. But to have arms is not enough. As Rousseau said : " The strongest is never strong enough to be always master, unless he transforms his might into right, and obedience into duty." Only ethics can convert might into right and obedience into duty. The League must see that its claim for Pakistan is founded on ethics.

VI

So much for the problem of boundaries. I will now turn to the problem of the minorities which must remain within Pakistan even after boundaries are redrawn. There are two methods of protecting their interests.

First is to provide safeguards in the constitution for the protection of the political and cultural rights of the minorities. To Indians this is a familiar matter and it is unnecessary to enlarge upon it.

Second is to provide for their transfer from Pakistan to Hindustan. Many people prefer this solution and would be ready and willing to consent to Pakistan if it can be shown that an exchange of population is possible. But they regard this as a staggering and a baffling problem. This no doubt is the sign of a panic-stricken mind. If the matter is considered in a cool and calm temper it will be found that the problem is neither staggering nor baffling.

To begin with consider the dimensions of the problem. On what scale is this transfer going to be ? In determining the scale one is bound to take into account three considerations. In the first place, if the boundaries of the Punjab and Bengal are redrawn there will be no question of transfer of population so far as these two Provinces are concerned. In the second place, the Musalmans residing in Hindustan do not propose to migrate to Pakistan nor does the League want their transfer. In the third place, the Hindus in the North-West Frontier Province, Sind and Baluchistan do not want to migrate. If these assumptions are correct, the problem of transfer of population is far from being a staggering problem. Indeed it is so small that there is no need to regard it as a problem at all.

Assuming it does become a problem, will it be a baffling problem ? Experience shows that it is not a problem which it is impossible to solve. To

devise a solution for such a problem it might be well to begin by asking what are the possible difficulties that are likely to arise in the way of a person migrating from one area to another on account of political changes. The following are obvious enough : (1) The machinery for effecting and facilitating the transfer of population. (2) Prohibition by Government against migration. (3) Levy by Government of heavy taxation on the transfer of goods by the migrating family. (4) The impossibility for a migrating family to carry with it to its new home its immovable property. (5) The difficulty of obviating a resort to unfair practices with a view to depress unduly the value of the property of the migrating family. (6) The fear of having to make good the loss by not being able to realize the full value of the property by sale in the market. (7) The difficulty of realizing pensionary and other charges due to the migrating family from the country of departure. (8) The difficulty of fixing the currency in which payment is to be made. If these difficulties are removed the way to the transfer of population becomes clear.

The first three difficulties can be easily removed by the two States of Pakistan and Hindustan agreeing to a treaty embodying an article in some such terms as follows :—

" The Governments of Pakistan and Hindustan agree to appoint a Commission consisting of equal number of representatives and presided over by a person who is approved by both and who is not a national of either.

" The expense of the Commission and of its Committees both on account of its maintenance and its operation shall be borne by the two Governments in equal proportion.

" The Government of Pakistan and the Government of Hindustan hereby agree to grant to all their nationals within their territories who belong to ethnic minorities the right to express their desire to emigrate.

" The Governments of the States above mentioned undertake to facilitate in every way the exercise of this right and to interpose no obstacles, directly or indirectly, to freedom of emigration. All laws and regulations whatsoever which conflict with freedom of emigration shall be considered as null and void."

The fourth and the fifth difficulties which relate to transfer of property can be effectually met by including in the treaty articles the following terms:

" Those who, in pursuance of these articles, determine to take advantage of the right to migrate shall have the right to carry with them or to have transported their movable property of any kind without any duty being imposed upon them on this account.

"So far as immovable property is concerned it shall be liquidated by the Commission in accordance with the following provisions:

(1) The Commission shall appoint a Committee of Experts to estimate the value of the immovable property of the emigrant. The emigrant interested shall have a representative chosen by him on the Committee.

(2) The Commission shall take necessary measures with a view to the sale of immovable property of the emigrant"

As for the rest of the difficulties relating to reimbursement for loss, for payment of pensionary and charges for specifying the currency in which payments are to be made the following articles in the treaty should be sufficient to meet them :

" (1) The difference in the estimated value and the sale price of the immovable property of the emigrant shall be paid in to the Commission by the Government of the country of departure as soon as the former has notified it of the resulting deficiency. One-fourth of this payment may be made in the money of the country of departure and three-fourths in gold or short term gold bonds.

" (2) The Commission shall advance to the emigrants the value of their immovable property determined as above.

" (3) All civil or military pensions acquired by an emigrant at the date of the signature of the present treaty shall be capitalized at the charge of the debtor Government, which must pay the amount to the Commission for the account of its owners.

" (4) The funds necessary to facilitate emigration shall be advanced by the States interested in the Commission."

Are not these provisions sufficient to overcome the difficulties regarding transfer of population ? There are of course other difficulties. But even those are not insuperable. They involve questions of policy. The first question is : is the transfer of population to be compulsory or is it to be voluntary ? The second is : is this right to State-aided transfer to be open to all or is it to be restricted to any particular class of persons ? The third is : how long is Government going to remain liable to be bound by these provisions, particularly the provision for making good the loss on the sale of immovable property ? Should the provisions be made subject to a time limit or should the liability be continued indefinitely ?

With regard to the first point, both are possible and there are instances of both having been put into effect. The transfer of population between Greece and Bulgaria was on a voluntary basis while that between Greece and Turkey was on a compulsory basis. Compulsory transfer strikes one as being *prima facie* wrong. It would not be fair to compel a man to change his ancestral

habitat if he does not wish to, unless the peace and tranquility of the State is likely to be put in jeopardy by his continuing to live where he is or such transfer becomes necessary in his own interest. What is required is that those who want to transfer should be able to do so without impediment and without loss. I am therefore of opinion that transfer should not be forced but should be left open for those who declare their intention to transfer.

As to the second point, it is obvious that only members of a minority can be allowed to take advantage of the scheme of State-aided transfer. But even this restriction may not be sufficient to exclude all those who ought not to get the benefit of this scheme. It must be confined to certain well defined minorities who on account of ethnic or religious differences are sure to be subjected to discrimination or victimization.

The third point is important and is likely to give rise to serious difference of opinion. On a fair view of the matter it can be said that it is quite unreasonable to compel a Government to keep open for an indefinite period the option to migrate at Government cost. There is nothing unfair in telling a person that if he wants to take advantage of the provisions of the scheme of State-aided migration contained in the foregoing articles, he must exercise his option to migrate within a stated period and that if he decides to migrate after the period has elapsed he will be free to migrate but it will have to be at his own cost and without the aid of the State. There is no inequity in thus limiting the right to State aid. State-aid becomes a necessary part of the scheme because the migration is a resultant consequence of political changes over which individual citizens have no control. But migration may not be the result of political change. It may be for other causes, and when it is for other causes, aid to the emigrant cannot be an obligation on the State. The only way to determine whether migration is for political reasons or for private reasons is to relate it to a definite point of time. When it takes place within a defined period from the happening of a political change it may be presumed open for an indefinite period the option to migrate at Government cost. There is nothing unfair in telling a person that if he wants to take advantage of the provisions of the scheme of State-aided migration contained in the foregoing articles, he must exercise his option to migrate within a stated period and that if he decides to migrate after the period has elapsed he will be free to migrate but it will have to be at his own cost and without the aid of the State. There is no inequity in thus limiting the right to State-aid. State-aid becomes a necessary part of the scheme because the migration is a resultant consequence of political changes over which individual citizens have no control. But migration may not be the result of political change. It may be for other causes, and when it is for other causes, aid to the emigrant cannot be an obligation on the

State. The only way to determine whether migration is for political reasons or for private reasons is to relate it to a definite point of time. When it takes place within a defined period from the happening of a political change it may be presumed to be political. When it occurs after the period it may be presumed to be for private reasons. There is nothing unjust in this. The same rule of presumption governs the cases of civil servants who, when a political change takes place, are allowed to retire on proportionate pensions if they retire within a given period but not if they retire after it has lapsed.

If the policy in these matters is as I suggest it should be, it may be given effect to by the inclusion of the following articles in the treaty:

" The right to voluntary emigration may be exercised under this treaty by any person belonging to an ethnic minority who is over 18 years of age.

" A declaration made before the Commission shall be sufficient evidence of intention to exercise the right.

" The choice of the husband shall carry with it that of the wife, the option of parents or guardians that of their children or wards aged less than 18 years.

" The right to the benefit provided by this treaty shall lapse if the option to migrate is not exercised within a period of 5 years from the date of signing the treaty.

" The duties of the Commission shall be terminated within six months after the expiration of the period of five years from the date when the Commission starts to function."

What about the cost ? The question of cost will be important only if the transfer is to be compulsory. A scheme of voluntary transfer cannot place a very heavy financial burden on the State. Men love property more than liberty. Many will prefer to endure tyranny at the hands of their political masters than change the habitat in which they are rooted. As Adam Smith said, of all the things man is the most difficult cargo to transport. Cost therefore need not frighten anybody.

What about its workability ? The scheme is not new. It has been tried and found workable. It was put into effect after the last European War, to bring about a transfer ¹⁵ of population between Greece and Bulgaria and Turkey and Greece. Nobody can deny that it has worked, has been tried and found workable. The scheme I have outlined is a copy of the same scheme. It had the effect of bringing about a transfer* of population between Greece and Bulgaria and Turkey and Greece. Nobody can deny that it was worked with signal success. What succeeded elsewhere may well be expected to succeed in India.

The issue of Pakistan is far from simple. But it is not so difficult as it is made out to be provided the principle and the ethics of it are agreed upon. If it is

difficult it is only because it is heart-rending and nobody wishes to think of its problems and their solutions as the very idea of it is so painful. But once sentiment is banished and it is decided that there shall be Pakistan, the problems arising out of it are neither staggering nor baffling.

CHAPTER XV WHO CAN DECIDE ?

There are two sides to the question of Pakistan, the Hindu side and the Muslim side. This cannot be avoided. Unfortunately however the attitude of both is far from rational. Both are deeply embedded in sentiment. The layers of this sentiment are so thick that reason at present finds it extremely difficult to penetrate. Whether these opposing sentiments will wither away or they will thicken, time and circumstances alone can tell. How long Indians will have to wait for the melting of the snow no one can prophesy. But one thing is certain that 'until this snow melts freedom will have to be put in cold storage. I am sure there must be many millions of thinking Indians who are dead opposed to this indefinite postponement of Indian freedom till an ideal and a permanent solution of Pakistan is found. I am one of them. I am one of those who hold that if Pakistan is a problem and not a pose there is no escape and a solution must be found for it. I am one of those who believe that what is inevitable must be faced. There is no use burying one's head in the sand and refusing to take notice of what is happening round about because the sound of it hurts one's sentiments. I am also one of those who believe that one must, if one can, be ready with a solution long before the hour of decision arrives. It is wise to build a bridge if one knows that one will be forced to cross the river.

The principal problem of Pakistan is : who can decide whether there shall or shall not be Pakistan ? I have thought over the subject for the last three years, and I have come to some conclusions as to the proper answer to this question. These conclusions I would like to share with others interested in the solution of the problem so that they may be further explored. To give clarity to my conclusions, I have thought that it would serve the purpose better if I were to put them, in the form of an Act of Parliament. The following is the draft of the Act which embodies my conclusions:—

Government of India (Preliminary Provisions) Act

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

- I.—(1) If within six months from the date appointed in this behalf a majority of the Muslim members of the Legislatures of the Provinces of the

North-West Frontier, the Punjab, Sind and Bengal pass a resolution that the predominantly Muslim areas be separated from British India, His Majesty shall cause a poll to be taken on that question of the Muslim and the non-Muslim electors of these Provinces and of Baluchistan in accordance with the provisions of this Act.

(2) The question shall be submitted to the electors in these Provinces in the following form :— (i) Are you in favour of separation from British India ? (U) Are you against separation ?

(3) The poll of Muslim and non-Muslim electors shall be taken separately.

II.—(1) If on a result of the poll, a majority of Muslim electors are found to be in favour of separation and a majority of non-Muslim electors against separation, His Majesty shall by proclamation appoint a Boundary Commission for the purpose of preparing a list of such districts and areas in these Provinces in which a majority of inhabitants are Muslims. Such districts and areas shall be called Scheduled Districts.

(2) The Scheduled Districts shall be collectively designated as Pakistan and the rest of British India as Hindustan. The Scheduled Districts lying in the North-west shall be called the State of Western Pakistan and those lying in the North-east shall be called Eastern Pakistan.

III.—(1) After the findings of the Boundary Commission have become final either by agreement or the award of an Arbitrator, His Majesty shall cause another poll to be taken of the electors of the Scheduled Districts.

(2) The following shall be the form of the questions submitted to the electors :— (i) Are you in favour of separation forthwith ? (U) Are you against separation forthwith ?

IV.—(1) If the majority is in favour of separation forthwith it shall be lawful for His Majesty to make arrangements for the framing of two separate constitutions, one for Pakistan and the other for Hindustan.

(2) The New States of Pakistan and Hindustan shall commence to function as separate States on the day appointed by His Majesty by proclamation issued in that behalf.

(3) If the majority are against separation forthwith it shall be lawful for His Majesty to make arrangements for the framing of a single constitution for British India as a whole.

V.— No motion for the separation of Pakistan. If the poll under the last preceding section has been against separation forthwith and no motion for incorporation of Pakistan into Hindustan if the poll under the last preceding section has been in favour of separation forthwith

shall be entertained until ten years have elapsed from the date appointed by His Majesty for putting into effect the new constitution for British India or the two separate constitutions for Pakistan and Hindustan.

- VI.—(1) In the event of two separate constitutions coming into existence under Section Four it shall be lawful for His Majesty to establish as soon as may be after the appointed day, a Council of India with a view to the eventual establishment of a constitution for the whole of British India, and to bringing about harmonious action between the Legislatures and Governments of Pakistan and Hindustan, and to the promotion of mutual intercourse and uniformity in relation to matters affecting the whole of British India, and to providing for the administration of services which the two parliaments mutually agree should be administered uniformly throughout the whole of British India, or which by virtue of this Act are to be so administered.
- (2) Subject as hereinafter provided, the Council of India shall consist of a President nominated in accordance with instructions from His Majesty and forty other persons, of whom twenty shall be members representing Pakistan and twenty shall be members representing Hindustan.
- (3) The members of the Council of India shall be elected in each case by the members of the Lower Houses of the Parliament of Pakistan or Hindustan.
- (4) The election of members of the Council of India shall be the first business of the Legislatures of Pakistan and Hindustan.
- (5) A member of the Council shall, on ceasing to be a member of that House of the Legislature of Pakistan or Hindustan by which he was elected a member of the Council, cease to be a member of the Council : Provided that, on the dissolution of the Legislature of Pakistan or Hindustan, the persons who are members of the Council shall continue to hold office as members of the Council until a new election has taken place and shall then retire unless re-elected.
- (6) The President of the Council shall preside at each meeting of the Council at which he is present and shall be entitled to vote in case of an equality of votes, but not otherwise.
- (7) The first meeting of the Council shall be held at such time and place as may be appointed by the President.
- (8) The Council may act notwithstanding a deficiency in their number, and the quorum of the Council shall be fifteen.

(9) Subject as aforesaid, the Council may regulate their own procedure, including the delegation of powers to committees.

(10) The constitution of the Council of India may from time to time be varied by identical Acts passed by the Legislature of Pakistan and the Legislature of Hindustan, and the Acts may provide for all or any of the members of the Council of India being elected by parliamentary electors, and determine the constituencies by which the several elective members are to be returned and the number of the members to be returned by the several constituencies and the method of election.

VII.—(1) The Legislatures of Pakistan and Hindustan may, by identical Acts, delegate to the Council of India any of the powers of the Legislatures and Government of Pakistan and Hindustan, and such Acts may determine the manner in which the powers so delegated are to be exercisable by the Council.

(2) The powers of making laws with respect to railways and waterways shall, as from the day appointed for the operation of the new constitution, become the powers of the Council of India and not of Pakistan or Hindustan : Provided that nothing in this subsection shall prevent the Legislature of Pakistan or Hindustan making laws authorising the construction, extension, or improvement of railways and waterways where the works to be constructed are situate wholly in Pakistan or Hindustan as the case may be.

(3) The Council may consider any questions which may appear in any way to bear on the welfare of both Pakistan and Hindustan, and may, by resolution, make suggestions in relation thereto as they may think proper, but suggestions so made shall have no legislative effect.

(4) It shall be lawful for the Council of India to make recommendations to the Legislatures of Pakistan and Hindustan as to the advisability of passing identical Acts delegating to the Council of India the administration of any all-India subject, with a view to avoiding the necessity of administering them separately in Pakistan or Hindustan.

(5) It shall be lawful for either Legislature at any time by Act to deprive the delegation to the Council of India of any powers which are in pursuance of such identical Acts as aforesaid for the time being delegated to the Council and thereupon the powers in question shall cease to be exercisable by the Council of India and shall become exercisable in parts of British India within their respective jurisdictions by the Legislatures and Governments of Pakistan and Hindustan and the Council shall take such steps as may be necessary to carry out

the transfer, including adjustments of any funds in their hands or at their disposal.

VIII.—(1) If at the end of ten years after coming into operation of a constitution for British India as prescribed by Section IV—(3) a petition is presented to His Majesty by a majority of the Muslim members representing the Scheduled Districts in the Provincial and Central Legislatures demanding a poll to be taken with regard to the separation of Pakistan from Hindustan, His Majesty shall cause a poll to be taken. (2) The following shall be the form of the questions submitted to the electors :— d) Are you in favour of separation of Pakistan from Hindustan ?

(ii) Are you against the separation of Pakistan from Hindustan ?

IX.— If the result of the poll is in favour of separation it shall be lawful for His Majesty to declare by an Order-in-Council that from a day appointed in that behalf Pakistan shall cease to be a part of British India, and dissolve the Council of India.

X.—(1) Where two constitutions have come into existence under circumstances mentioned in Section IV it shall be lawful for His Majesty to declare by an Order-in-Council that Pakistan shall cease to be a separate State and shall form part of Hindustan. Provided that no such order shall be made until ten years have elapsed from the commencement of the separate constitution for Pakistan. Provided also that no such declaration shall be made unless the Popular Legislatures of Pakistan and Hindustan have passed Constituent Acts as are provided for in Section X—(2).

(2) The popular Legislatures of Pakistan and Hindustan may, by identical Acts agreed to by an absolute majority of members at the third reading (hereinafter referred to as Constituent Acts), establish, in lieu of the Council of India, a Legislature for United India, and may determine the number of members thereof and the manner in which the members are to be appointed or elected and the constituencies for which the several elective members are to be returned, and the number of members to be returned by the several constituencies, and the method of appointment or election, and the relations of the two Houses if provided for to one another.

XI.—(1) On the date of the union of Pakistan and Hindustan the Council of India shall cease to exist and there shall be transferred to the Legislature and Government of India all powers then exercisable by the Council of India.

(2) There shall also be transferred to the Legislature and Government of British India all the powers and duties of the Legislatures and Government of Pakistan and Hindustan, including all powers as to taxation, and those Legislatures and Government shall cease to exist.

XII.—(1) A poll under this Act shall be taken by ballot in the same manner so far as possible as a poll of electors for the election of a member to serve in a Legislature and His Majesty may make rules adopting the election laws for the purpose of the taking of the poll.

(2) An elector shall not vote more than once at the poll, although registered in more than one place.

(3) Elector means every adult male and female residing in the Provinces of North-West Frontier, the Punjab, Sind, and Bengal and in Baluchistan.

XIII.— This Act may be called the Indian Constitution
(Preliminary Provisions) Act, 194 .

I do not think .that any detailed explanation is necessary for the reader to follow and grasp the conclusions I have endeavoured to embody in this skeleton Act. Perhaps it might be advantageous if I bring out some of the salient features of the proposals to which the projected statute of Parliament is intended to give effect by comparing them with the Cripps proposals.

In my opinion it is no use for Indians to ask and the British Parliament to agree to proceed forthwith to pass an Act conferring Dominion Status or Independence without first disposing of the issue of Pakistan. The Pakistan issue must be treated as a preliminary issue and must be disposed of one way or the other. This is why I have called the proposed Act " The Government of India (Preliminary Provisions) Act." The issue of Pakistan being one of self-determination must be decided by the wishes of the people. It is for this that I propose to take a poll of the Muslims and non-Muslims in the predominantly Muslim Provinces. If the Majority of the Muslims are in favour of separation and a majority of non-Muslims are against separation, steps must be taken to delimit the areas wherever it is possible by redrawing provincial boundaries on ethnic and cultural lines by separating the Muslim majority districts from the districts in which the majority consists of non-Muslims. A Boundary Commission is necessary for this purpose. So a Boundary Commission is provided for in the Act. It would be better if the Boundary Commission could be international in its composition.

The scheme of separate referenda of Muslims and non-Muslims is based on two principles which I regard as fundamental. The first is that a minority can demand safeguards for its protection against the tyranny of the majority. It

can demand them as a condition precedent. But a minority has no right to put a veto on the right of the majority to decide on questions of ultimate destiny. This is the reason why I have confined the referendum on the establishment of Pakistan to Muslims only. The second is that a communal majority cannot claim a communal minority to submit itself to its dictates. Only a political majority may be permitted to rule a political minority. This principle has been modified in India where a communal minority is placed under a communal majority subject to certain safeguards. But this is as regards the ordinary question of social, economic and political importance. It has never been conceded and can never be conceded that a communal majority has a right to dictate to a communal minority on an issue which is of a constitutional character. That is the reason why I have provided a separate referendum of non-Muslims only, to decide whether they prefer to go in Pakistan or come into Hindustan.

After the Boundary Commission has done its work of delimiting the areas, various possibilities can arise. The Musalmans may stop with the delimitation of the boundaries of Pakistan. They may be satisfied that after all the principle of Pakistan has been accepted—which is what delimitation means. Assuming that the Musalmans are not satisfied with mere delimitation but want to move in the direction of establishing Pakistan there are two courses open to them. They may want to establish Pakistan forthwith or they may agree to live under a common Central Government for a period of say ten years and put the Hindus on their trial. Hindus will have an opportunity to show that the minorities can trust them. The Muslims will learn from experience how far their fears of Hindu Raj are justified. There is another possibility also. The Musalmans of Pakistan having decided to separate forthwith may after a period become so disgusted with Pakistan that they might desire to come back and be incorporated in Hindustan and be one people subject to one single constitution.

These are some of the possibilities I see. These possibilities should in my judgement be kept open for time and circumstances to have their effect. It seems to me to be wrong to say to the Musalmans if you want to remain as part of India then you can never go out or if you want to go then you can never come back. I have in my scheme kept the door open and have provided for both the possibilities in the Act (1) for union after a separation of ten years, (2) for separation for ten years and union there after. I personally prefer the second alternative although I have no strong views either way. It would be much better that the Musalmans should have the experience of Pakistan. A union after an experience of Pakistan is bound to be stable and lasting. In case Pakistan comes into existence forthwith, it seems to me necessary that

the separation should not altogether be a severance, sharp and complete. It is necessary to maintain live contact between Pakistan and Hindustan so as to prevent any estrangement growing up and preventing the chances of reunion. A Council of India is accordingly provided for in the Act. It cannot be mistaken for a federation. It is not even a confederation. Its purpose is to do nothing more than to serve as a coupling to link Pakistan to Hindustan until they are united under a single constitution.

Such is my scheme. It is based on a community-wise plebiscite. The scheme is flexible. It takes account of the fact that the Hindu sentiment is against it. It also recognizes the fact that the Muslim demand for Pakistan may only be a passing mood. The scheme is not a divorce. It is only a judicial separation. It gives to the Hindus a term. They can use it to show that they can be trusted with authority to rule justly. It gives the Musalmans a term to try out Pakistan.

It might be desirable to compare my proposals with those of Sir Stafford Cripps. The proposals were given out as a serial story in parts. The draft Declaration issued on 29th March 1943 contained only the following :—

" His Majesty's Government therefore make the following terms:—

(a) Immediately upon cessation of hostilities steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new constitution for India.

(b) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to:

(i) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces should they so desire. His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down."

Particulars of accession and secession were given in his broadcast. They were in the following terms :—

" That constitution-making body will have as its object the framing of a single constitution for the whole of India—that is, of British India, together with such of the Indian States as may decide to join in.

" But we realize this very simple fact. If you want to persuade a number of people who are inclined to be antagonistic to enter the same room, it is

unwise to tell them that once they go in there is no way out, they are to be forever locked in together.

" It is much wiser to tell them they can go in and if they find they can't come to a common decision, then there is nothing to prevent those who wish, from leaving again by another door. They are much more likely all to go in if they have knowledge that they can by their free will go out again if they cannot agree.

" Well, that is what we say to the provinces of India. Come together to frame a common constitution—if you find after all your discussion and all the give and take of a constitution-making assembly that you cannot overcome your differences and that some provinces are still not satisfied with the constitution, then such provinces can go out and remain out if they wish and just the same degree of self-government and freedom will be available for them as for the Union itself, that is to say complete self-government."

To complete the picture further details were added at the Press Conference. Explaining the plan for accession or secession of provinces Sir Stafford Cripps said :—

" If at the end of the Constituent Assembly proceedings, any province or provinces did not wish to accept the new constitution and join the Union, it was free to keep out—provided the Provincial Assembly of that province, by a substantial vote say not less than 60 per cent., decided against accession. If it was less than 60 per cent, the minority could claim a plebiscite of the whole province for ascertaining the will of the people. In the case of the plebiscite, a bare majority would be enough. Sir Stafford explained that for completing accession there would have to be a positive vote from the Provincial Assembly concerned. The non-acceding province could, if they wanted, combine into a separate union through a separate Constituent Assembly, but in order to make such a Union practicable they should be geographically contiguous."

The main difference between my plan and that of Sir Stafford Cripps is quite obvious. For deciding the issue of accession or secession which is only another way of saying, will there be or will there not be Pakistan, Sir Stafford Cripps took the Province as a deciding unit. I have taken community as the deciding unit. I have no doubt that Sir Stafford adopted a wrong basis. The Province can be a proper unit if the points of dispute were interprovincial. For instance, if the points of dispute related to questions such as distribution of taxation, of water, etc., one could understand the Province as a whole or a particular majority in that Province having the right to decide. But the dispute regarding Pakistan is an inter-communal problem which has involved two communities in the same Province. Further the issue in the dispute is not on

what terms the two communities will agree to associate in a common political life. The dispute goes deeper and raises the question whether the communities are prepared at all to associate in a common political life. It is a communal difference in its essence and can only be decided by a community-wise plebiscite.

IV

I do not claim any originality for the solution I have proposed. The ideas which underlie it are drawn from three sources, from the Irish Unity Conference at which Horace Plunket presided, from the Home Rule Amending Bill of Mr. Asquith and from the Government of Ireland Act of 1920. It will be seen that my solution of the Pakistan problem is the result of pooled wisdom. Will it be accepted ? There are four ways of resolving the conflict which is raging round the question of Pakistan. First is that the British Government should act as the deciding authority. Second is that the Hindus and the Muslims should agree. Third is to submit the issue to an International Board of Arbitration and the fourth is to fight it out by a Civil War.

Although India today is a political mad-house there are I hope enough sane people in the country who would not allow matters to reach the stage of Civil War. There is no prospect of an agreement between political leaders in the near future. The A.I.C.C. of the Indian National Congress at a meeting in Allahabad held in April 1942 on the motion of Mr. Jagat Narayan Lal resolved¹⁶ not to entertain the proposal for Pakistan. Two other ways are left to have the problem solved. One is by the people concerned ; the other is by international arbitration. This is the way I have suggested. I prefer the former. For various reasons this seems to me the only right course. The leaders having failed to resolve the dispute it is time it was taken to the people for decision. Indeed, it is inconceivable how an issue like that of partition of territory and transference of peoples' allegiance from one government to another can be decided by political leaders. Such things are no doubt done by conquerors to whom victory in war is sufficient authority to do what they like with the conquered people. But we are not working under such a lawless condition. In normal times when constitutional procedure is not in abeyance the views of political leaders cannot have the effect which the fiats of dictators have. That would be contrary to the rule of democracy. The highest value that can be put upon the views of leaders is to regard them as worthy to be placed on the agenda. They cannot replace or obviate the necessity of having the matter decided by the people. This is the position which was taken by Sir Stafford Cripps. The stand taken by the Muslim League was, let there be Pakistan because the Muslim League has decided to have it. That position

has been negated by the Cripps proposals and quite rightly. The Muslim League is recognized by the Cripps proposals only to the extent of having a right to propose that Pakistan as a proposition be considered. It has not been given the right to decide. Again it does not seem to have been realized that the decision of an All-India body like the Congress which does not carry with it the active consent of the majority of the people, immediately affected by the issue of Pakistan, cannot carry the matter to solution. What good can it do if Mr. Gandhi or Mr. Rajagopalachariar agreeing or the All-India Congress Committee resolving to concede Pakistan, if it was opposed by the Hindus of the Punjab, or Bengal. Really speaking it is not the business of the people of Bombay or Madras to say, ' let there be Pakistan ' It must be left to be decided by the people who are living in those areas and who will have to bear the consequences of so violent, so revolutionary and so fundamental a change in the political and economic system with which their lives and fortunes have been closely bound up for so many years. A referendum by people in the Pakistan Provinces seems to me the safest and the most constitutional method of solving the problem of Pakistan.

But I fear that solving the question of Pakistan by a referendum of the people howsoever attractive may not find much favour with those who count. Even the Muslim League may not be very enthusiastic about it. This is not because the proposal is unsound. Quite the contrary. The fact is that there is another solution which has its own attractions. It calls upon the British Government to establish Pakistan by the exercise of its sovereign authority. The reason why this solution may be preferred to that which rests on the consent of the people is that it is simple and involves no such elaborate procedure as that of a referendum to the people and has none of the uncertainties involved in a referendum. But there is another ground why it is preferred, namely, that there is a precedent for it. The precedent is the Irish precedent and the argument is that if the British Government by virtue of its sovereign authority divided Ireland and created Ulster why cannot the British Government divide India and create Pakistan ?

The British Parliament is the most sovereign legislative body in the world. De L'home, a French writer on English Constitution, observed that there is nothing the British Parliament cannot do except make man a woman and woman a man. And although the sovereignty of the British Parliament over the affairs of the Dominions is limited by the Statute of Westminster it is still unlimited so far as India is concerned. There is nothing in law to prevent the British Parliament from proceeding to divide India as it did in the case of Ireland. It can do it, but will it do it? The question is not one of power but of will.

Those who urge the British Government to follow the precedent in Ireland should ask what led the British Government to partition Ireland. Was it the conscience of the British Government which led them to sanction the course they took or was it forced upon them by circumstances to which they had to yield ? A student of the history of Irish Home Rule will have to admit that the partition of Ireland was not sanctioned by conscience but by the force of circumstances. It is not often clearly realized that no party to the Irish dispute wanted partition of Ireland. Not even Carson, the Leader of Ulster. Carson was opposed to Home Rule but he was not in favour of partition. His primary position was to oppose Home Rule and maintain the integrity of Ireland. It was only as a second line of defence against the imposition of Home Rule that he insisted on partition. This will be quite clear from his speeches both inside and outside the House of Commons. Asquith's Government on the other side was equally opposed to partition. This may be seen from the proceedings in the House of Commons over the Irish Home Rule Bill of 1912. Twice amendments were moved for the exclusion of Ulster from the provisions of the Bill, once in the Committee stage by Mr. Agar-Roberts and again on the third reading by Carson himself. Both the times the Government opposed and the amendments were lost.

Permanent partition of Ireland was effected in 1920 by Mr. Lloyd George in his Government of Ireland Act. Many people think that this was the first time that partition of Ireland was thought of and that it was due to the dictation of the Conservative—Unionists in the Coalition Government of which Mr. Lloyd George was the nominal head. It may be true that Mr. Lloyd George succumbed to the influence of the predominant party in his coalition. But it is not true that partition was thought of in 1920 for the first time. Nor is it true that the Liberal Party had not undergone a change and shown its readiness to favour partition as a possible solution. As a matter of fact partition as a solution came in 1914 six years before Mr. Lloyd George's Act when the Asquith Government, a purely Liberal Government, was in office. The real cause which led to the partition of Ireland can be understood only by examining the factors which made the Liberal Government of Mr. Asquith change its mind. I feel certain that the factor which brought about this change in the viewpoint of the Liberal Government was the Military crisis which took place in March 1914 and which is generally referred to as the " Curragh Incident". A few facts will be sufficient to explain what the " Curragh Incident " was and how decisive it was in bringing about a change in the policy of the Asquith Government.

To begin at a convenient point the Irish Home Rule Bill had gone through all its stages by the end of 1913. Mr. Asquith who had been challenged that he

was proceeding without a mandate from the electorate had however given an undertaking that the Act would not be given effect to until another general election had been held. In the ordinary course there would have been a general election in 1915 if the War had not supervened. But the Ulstermen were not prepared to take their chance in a general election and started taking active steps to oppose Home Rule. They were not always very scrupulous in choosing their means and their methods and under the seductive pose that they were fighting against the Government which was preventing them from remaining loyal subjects of the King they resorted to means which nobody would hesitate to call shameless and nefarious. There was one Maginot Line on which the Ulstermen always depended for defeating Home Rule. That was the House of Lords. But by the Parliament Act of 1911 the House of Lords had become a Wailing Wall neither strong nor high. It had ceased to be a line of defence to rely upon. Knowing that the Bill might pass notwithstanding its rejection by the House of Lords, feeling that in the next election Asquith might win, the Ulstermen had become desperate and were searching for another line of defence. They found it in the Army. The plan was twofold. It included the project of getting the House of Lords to hold up the Annual Army Act so as to ensure that there would be no Army in existence to be used against Ulster. The second project was to spread their propaganda—That Home Rule will be Home Rule—in the Army with a view to preparing the Army to disobey the Government in case Government decided to use the Army for forcing Home Rule on Ireland. The first became unnecessary as they succeeded easily in bringing about the second. This became clear in March 1914 when there occurred the Curragh Incident. The Government had reasons to suspect that certain Army depots in Ireland were likely to be raided by the Unionist Volunteers. On March 20th, orders were sent to Sir Arthur Paget, Commander-in-Chief of the Forces in Ireland, to take steps to safeguard these depots. His reply was a telegram to the effect that officers were not prepared to obey and were resigning their commissions and it was feared that men would refuse to move. General Sir Hubert Gough had refused to serve against the Ulster Unionists and his example had been followed by others. The Government realized that the Army had become political,¹⁷ nay, partisan. It took fright and decided in favour of partition acting on the well-known maxim that wisdom is the better part of valour. What made Asquith change his position was not conscience but the fright of the Army rebelling. The fright was so great that no one thereafter felt bold enough to challenge the Army and enforce Home Rule without partition.

Can His Majesty's Government be depended upon to repeat in India what it did in Ireland? I am unable to answer the question. But two things I will say.

The first thing is that His Majesty's Government knows full well what have been the consequences of this partition of Ireland. The Irish Free State has become the most irreconcilable enemy of Great Britain. The enmity knows no limits. The wound caused by partition will never be healed so long as partition remains a settled fact. The Partition of Ireland cannot but be said to be morally indefensible inasmuch as it was the result not of the consent of the people but of superior force. It was as bad as the murder of Duncan by Macbeth. The blood stains left on His Majesty's Government are as deep as those on Lady Macbeth and of which Lady Macbeth said that " All the perfumes of Arabia " had failed to remove the stink. That His Majesty's Government does not like to be responsible for the execution of another deed of partition is quite clear from its policy with the Jew-Arab problem in Palestine. It appointed the Peel Commission to investigate. The Commission recommended partition of Palestine. The Government accepted ¹⁸ it in principle as the most hopeful line of solving the deadlock. Suddenly the Government realized the gravity of forcing such a solution on the Arabs and appointed another Royal Commission called the Woodhead Commission which condemned partition and opened an easy way to a Government which was anxious to extricate itself from a terrible position. The partition of Ireland is not a precedent worthy to be followed. It is an ugly incident which requires to be avoided. It is a warning and not an example. I doubt very much if His Majesty's Government will partition India on its own authority at the behest of the Muslim League.

And why should His Majesty's Government oblige the Muslim League ? In the case of Ulster there was the tie of blood which made a powerful section of the British politicians take the side of Ulster. It was this tie of blood which made Lord Curzon say " You are compelling Ulster to divorce her present husband, to whom she is not unfaithful and you are compelling her to marry someone else who she cordially dislikes, with whom she does not want to live." There is no such kinship between His Majesty's Government and the Muslim League and it would be a vain hope for the League to expect His Majesty's Government to take her side.

The other thing I would like to say is that it would not be in the interests of the Muslim League to achieve its object by invoking the authority of His Majesty's Government to bring about the partition of India. In my judgement more important than getting Pakistan is the procedure to be adopted in bringing about Pakistan if the object is that after partition Pakistan and Hindustan should continue as two friendly States with goodwill and no malice towards each other.

What is the procedure which is best suited for the realization of this end ? Everyone will agree that the procedure must be such that it must not involve victory to one community and humiliation to the other. The method must be of peace with honour to both sides. I do not know if there is another solution better calculated to achieve this end than the decision by a referendum of the people. I have made my suggestion as to which is the best course. Others also will come forth with theirs. I cannot say that mine is the best. But whatever the suggestion be unless good sense as well as a sense of responsibility is brought to bear upon the solution of this question it will remain a festering sore.

EPILOGUE

Here I propose to stop. For I feel that I have said all that I can say about the subject. To use legal language I have drawn the pleadings. This I may claim to have done at sufficient length. In doing so, I have adopted that prolix style so dear to the Victorian lawyers, under which the two sides plied one another with plea and replication, rejoinder and rebutter, surrejoinder and surrebutter and so on. I have done this deliberately with the object that a full statement of the case for and against Pakistan may be made. The foregoing pages contain the pleadings. The facts contained therein are true to the best of my knowledge and belief. I have also given my findings. It is now for Hindus and Muslims to give theirs.

To help them in their task it might be well to set out the issues. On the pleadings the following issues seem to be necessary issues:

- (1) Is Hindu-Muslim unity necessary for India's political advancement ? If necessary, is it still possible of realization notwithstanding the new ideology of the Hindus and the Muslims being two different nations?
- (2) If Hindu-Muslim unity is possible, should it be reached by appeasement or by settlement ?
- (3) If it is to be achieved by appeasement, what are the new concessions that can be offered to the Muslims to obtain their willing co-operation, without prejudice to other interests ?
- (4) (4) If it is to be achieved by a settlement, what are the terms of that - settlement ? If there are only two alternatives, (i) Division of India into Pakistan and Hindustan, or (ii) Fifty-fifty share in Legislature, Executive and the Services, which alternative is preferable ?
- (5) Whether India, if she remained one integral whole, can rely upon both Hindus and Musalmans to defend her independence, assuming it is won from the British?

- (6) Having regard to the prevailing antagonism between Hindus and Musalmans and having regard to the new ideology demarcating them as two distinct nations and postulating an opposition in their ultimate destinies, whether a single constitution for these two nations can be built in the hope that they will show an intention to work it and not to stop it ?
- (7) On the assumption that the two-nation theory has come to stay, will not India as one single unit become an incoherent body without organic unity, incapable of developing into a strong united nation bound by a common faith in a common destiny and therefore likely to remain a feebler and sickly country, easy to be kept in perpetual subjection either of the British or-of any other foreign power ?
- (8) If India cannot be one united country, is it not better that Indians should help India in the peaceful dissolution of this incoherent whole into its natural parts, namely, Pakistan and Hindustan ?
- (9) Whether it is not better to provide for the growth of two independent and separate nations, a Muslim nation inhabiting Pakistan and a Hindu nation inhabiting Hindustan, than pursue the vain attempt to keep India as one undivided country in the false hope that Hindus and Muslims will some day be one and occupy it as the members of one nation and sons of one motherland ?

Nothing can come in the way of an Indian getting to grips with these issues and reaching his own conclusions with the help of the material contained in the foregoing pages except three things : (1) A false sentiment of historical patriotism, (2) a false conception of the exclusive ownership of territory and (3) absence of willingness to think for oneself. Of these obstacles, the last is the most difficult to get over. Unfortunately thought in India is rare and free thought is rarer still. This is particularly true of Hindus. That is why a large part of the argument of this book has been addressed to them. The reasons for this are obvious. The Hindus are in a majority. Being in a majority, their view point must count! There is not much possibility of peaceful solution if no attempt is made to meet their objections rational or sentimental. But there are special reasons which have led me to address so large a part of the argument to them and which may not be quite so obvious to others. I feel that those Hindus who are guiding the destinies of their fellows have lost what Carlyle calls " the Seeing Eye " and are walking in the glamour of certain vain illusions, the consequences of which must, I fear, be terrible for the Hindus. The Hindus are in the grip of the Congress and the Congress is in the grip of Mr. Gandhi. It cannot be said that Mr. Gandhi has given the Congress the

right lead. Mr. Gandhi first sought to avoid facing the issue by taking refuge in two things. He started by saying that to partition India is a moral wrong and a sin to which he will never be a party. This is a strange argument. India is not the only country faced with the issue of partition or shifting of frontiers based on natural and historical factors to those based on the national factors. Poland has been partitioned three times and no one can be sure that there will be no more partition of Poland. There are very few countries in Europe which have not undergone partition during the last 150 years. This shows that the partition of a country is neither moral nor immoral. It is unmoral. It is a social, political or military question. Sin has no place in it.

As a second refuge Mr. Gandhi started by protesting that the Muslim League did not represent the Muslims and that Pakistan was only a fancy of Mr. Jinnah. It is difficult to understand how Mr. Gandhi could be so blind as not to see how Mr. Jinnah's influence over the Muslim masses has been growing day by day and how he has engaged himself in mobilizing all his forces for battle. Never before was Mr. Jinnah a man for the masses. He distrusted them.¹⁹ To exclude them from political power he was always for a high franchise. Mr. Jinnah was never known to be a very devout, pious or a professing Muslim. Besides kissing the Holy Koran as and when he was sworn in as an M.L.A., he does not appear to have bothered much about its contents or its special tenets. It is doubtful if he frequented any mosque either out of curiosity or religious fervour. Mr. Jinnah was never found in the midst of Muslim mass congregations, religious or political.

Today one finds a complete change in Mr. Jinnah. He has become a man of the masses. He is no longer above them. He is among them. Now they have raised him above themselves and call him their Qaid-e-Azam. He has not only become a believer in Islam, but is prepared to die for Islam. Today, he knows more of Islam than mere *Kalama*. Today, he goes to the mosque to hear *Khutba* and takes delight in joining the *Id* congregational prayers. Dongri and Null Bazaar once knew Mr. Jinnah by name. Today they know him by his presence. No Muslim meeting in Bombay begins or ends without Allah-ho-Akbar and Long Live Qaid-e-Azam. In this Mr. Jinnah has merely followed King Henry IV of France—the unhappy father-in-law of the English King Charles I. Henry IV was a Huguenot by faith. But he did not hesitate to attend mass in a Catholic Church in Paris. He believed that to change his Huguenot faith and go to mass was an easy price to pay for the powerful support of Paris. As Paris became worth a mass to Henry IV, so have Dongri and Null Bazaar become worth a mass to Mr. Jinnah and for similar reason. It is

strategy ; it is mobilization. But even if it is viewed as the sinking of Mr. Jinnah from reason to superstition, he is sinking with his ideology which by his very sinking is spreading into all the different strata of Muslim society and is becoming part and parcel of its mental make-up. This is as clear as anything could be. The only basis for Mr. Gandhi's extraordinary view is the existence of what are called Nationalist Musalmans. It is difficult to see any real difference between the communal Muslims who form the Muslim League and the Nationalist Muslims. It is extremely doubtful whether the Nationalist Musalmans have any real community of sentiment, aim and policy with the Congress which marks them off from the Muslim League. Indeed many Congressmen are alleged to hold the view that there is no difference between the two and that the Nationalist Muslim inside the Congress are only an outpost of the communal Muslims. This view does not seem to be quite devoid of truth when one recalls that the late Dr. Ansari, the leader of the Nationalist Musalmans, refused to oppose the Communal Award although it gave the Muslims separate electorates in teeth of the resolution passed by the Congress and the Nationalist Musalmans. Nay, so great has been the increase in the influence of the League among the Musalmans that many Musalmans who were opposed to the League have been compelled to seek for a place in the League or make peace with it. Anyone who takes account of the turns and twists of the late Sir Sikandar Hyat Khan and Mr. Faziul Huq, the late Premier of Bengal, must admit the truth of this fact. Both Sir Sikandar and Mr. Fazlul Huq were opposed to the formation of branches of the Muslim League in their Provinces when Mr. Jinnah tried to revive it in 1937. Notwithstanding their opposition, when the branches of the League were formed in the Punjab and in Bengal within one year both were compelled to join them. It is a case of those coming to scoff remaining to pray. No more cogent proof seems to be necessary to prove the victory of the League.

Notwithstanding this Mr. Gandhi instead of negotiating with Mr. Jinnah and the Muslim League with a view to a settlement, took a different turn. He got the Congress to pass the famous Quit India Resolution on the 8th August 1942. This Quit India Resolution was primarily a challenge to the British Government. But it was also an attempt to do away with the intervention of the British Government in the discussion of the Minority question and thereby securing for the Congress a free hand to settle it on its own terms and according to its own lights. It was in effect, if not in intention, an attempt to win independence by bypassing the Muslims and the other minorities. The Quit India Campaign turned out to be a complete failure.

It was a mad venture and took the most diabolical form. It was a scorch-earth campaign in which the victims of looting, arson and murder were

Indians and the perpetrators were Congressmen. Beaten, he started a fast for twenty-one days in March 1943 while he was in gaol with the object of getting out of it. He failed. Thereafter he fell ill. As he was reported to be sinking the British Government released him for fear that he might die on their hand and bring them ignominy. On coming out of gaol, he found that he and the Congress had not only missed the bus but had also lost the road. To retrieve the position and win for the Congress the respect of the British Government as a premier party in the country which it had lost by reason of the failure of the campaign that followed up the Quit India Resolution, and the violence which accompanied it, he started negotiating with the Viceroy. Thwarted in that attempt, Mr. Gandhi turned to Mr. Jinnah. On the 17th July 1944 Mr. Gandhi wrote to Mr. Jinnah expressing his desire to meet him and discuss with him the communal question. Mr. Jinnah agreed to receive Mr. Gandhi in his house in Bombay. They met on the 9th September 1944. It was good that at long last wisdom dawned on Mr. Gandhi and he agreed to see the light which was staring him in the face and which he had so far refused to see.

The basis of their talks was the offer made by Mr. Rajagopalachariar to Mr. Jinnah in April 1944 which, according to the somewhat incredible ²⁰ story told by Mr. Rajagopalachariar, was discussed by him with Mr. Gandhi in March 1943 when he (Mr. Gandhi) was fasting in gaol and to which Mr. Gandhi had given his full approval. The following is the text of Mr. Rajagopalachariar's formula popularly spoken of as the C. R. Formula:—

- (1) *Subject to the terms set out below as regards the constitution for Free India, the Muslim League endorses the Indian demand for Independence and will co-operate with the Congress in the formation of a provisional interim government for the transitional period.*
- (2) *After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either State.*
- (3) *It will be open to all parties to advocate their points of view before the plebiscite is held.*
- (4) *In the event of separation, mutual agreements shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes.*

- (5) *Any transfer of population shall only be on an absolutely voluntary basis.*
- (6) *These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.*

The talks which began on the 9th September were carried on over a period of 18 days till 27th September when it was announced that the talks had failed. The failure of the talks produced different reactions in the minds of different people. Some were glad, others were sorry. But as both had been, just previous to the talks, worsted by their opponents in their struggle for supremacy, Gandhi by the British and Jinnah by the Unionist Party in the Punjab, and had lost a good deal of their credit the majority of people expected that they would put forth some constructive effort to bring about a solution. The failure may have been due to the defects of personalities. But it must however be said that failure was inevitable having regard to certain fundamental faults in the C. R. Formula. In the first place, it tied up the communal question with the political question in an indissoluble knot. No political settlement, no communal settlement, is the strategy on which the formula proceeds. The formula did not offer a solution. It invited Mr. Jinnah to enter into a deal. It was a bargain—"If you help us in getting independence, we shall be glad to consider your proposal for Pakistan." I don't know from where Mr. Rajagopalachariar got the idea that this was the best means of getting independence. It is possible that he borrowed it from the old Hindu kings of India who built up alliance for protecting their independence against foreign enemies by giving their daughters to neighbouring princes. Mr. Rajagopalachariar forgot that such alliances brought neither a good husband nor a permanent ally. To make communal settlement depend upon help rendered in winning freedom is a very unwise way of proceeding in a matter of this kind. It is a way of one party drawing another party into its net by offering communal privileges as a bait. The C. R. Formula made communal settlement an article for sale.

The second fault in the C. R. Formula relates to the machinery for giving effect to any agreement that may be arrived at. The agency suggested in the C. R. Formula is the Provisional Government. In suggesting this Mr. Rajagopalachariar obviously overlooked two difficulties. The first thing he overlooked is that once the Provisional Government was established, the promises of the contracting parties, to use legal phraseology, did not remain concurrent promises. The case became one of the executed promise against an executory promise. By consenting to the establishment of a Provisional Government, the League would have executed its promise to help the Congress to win independence. But the promise of the Congress to bring about Pakistan would remain executory. Mr. Jinnah who insists, and quite

rightly, that the promises should be concurrent could never be expected to agree to place himself in such a position. The second difficulty which Mr. Rajagopalachariar has overlooked is what would happen if the Provisional Government failed to give effect to the Congress part of the agreement. Who is to enforce it ? The Provisional Government is to be a sovereign government, not subject to superior authority. If it was unwilling to give effect to the agreement, the only sanction open to the Muslims would be rebellion. To make the Provisional Government the agency for forging a new Constitution, for bringing about Pakistan, nobody will accept. It is a snare and not a solution.

The only way of bringing about the constitutional changes will be through an Act of Parliament embodying provisions agreed upon by the important elements in the national life of British India. There is no other way.

There is a third fault in the C. R. Formula. It relates to the provision for a treaty between Pakistan and Hindustan to safeguard what are called matters of common interests such as Defence, Foreign Affairs, Customs, etc. Here again Mr. Rajagopalachariar does not seem to be aware of obvious difficulties. How are matters of common interest to be safeguarded? I see only two ways. One is to have a Central Government vested with Executive and Legislative authority in respect of these matters. This means Pakistan and Hindustan will not be sovereign States. Will Mr. Jinnah agree to this ? Obviously he does not. The other way is to make Pakistan and Hindustan sovereign States and to bind them by a treaty relating to matters of common interests. But what is there to ensure that the terms of the treaty will be observed ? As a sovereign State Pakistan can always repudiate it even if it was a Dominion. Mr. Rajagopalachariar obviously drew his inspiration in drafting this clause from the Anglo-Irish Treaty of 1922. But he forgot the fact that the treaty lasted so long as Ireland was not a Dominion and that as soon as it became a Dominion it repudiated the treaty and the British Parliament stood silent and grinned, for it knew that it could do nothing.

One does not mind very much that the talks failed. What one feels sorry for is that the talks failed giving us a clear idea of some of the questions about which Mr. Jinnah has been observing discreet silence in his public utterances, though he has been quite outspoken about them in his private talks. These questions are— (1) Is Pakistan to be conceded because of the Resolution of the Muslim League ? (2) Are the Muslims, as distinguished from the Muslim League, to have no say in the matter ? (3) What will be the boundaries of Pakistan ? Whether the boundaries will be the present administrative boundaries of the Punjab and Bengal or whether the boundaries of Pakistan will be ethnological boundaries ? (4) What do the words " subject to such

territorial adjustments as may be necessary " which occur in the Lahore Resolution mean ? What were the territorial adjustments the League had in mind ? (5) What does the word " finally " which occurs in the last part of the Lahore Resolution mean ? Did the League contemplate a transition period in which Pakistan will not be an independent and sovereign State ? (6) If Mr. Jinnah's proposal that the boundaries of Eastern and Western Pakistan are to be the present administrative boundaries, will he allow the Scheduled Castes, or, if I may say so, the non-Muslims in the Punjab and Bengal to determine by a plebiscite whether they wish to be included in Mr. Jinnah's Pakistan and whether Mr. Jinnah would be prepared to abide by the results of the plebiscite of the non-Muslim elements in the Punjab and Bengal ?

(7) Does Mr. Jinnah want a corridor running through U. P. and Bihar to connect up Eastern Pakistan to Western Pakistan ? It would have been a great gain if straight questions had been put to Mr. Jinnah and unequivocal answers obtained. But instead of coming to grips with Mr. Jinnah on these questions, Mr. Gandhi spent his whole time proving that the C. R. Formula is substantially the same as the League's Lahore Resolution—which was ingenious if not nonsensical and thereby lost the best opportunity he had of having these questions clarified.

After these talks Mr. Gandhi and Mr. Jinnah have retired to their pavilions as players in a cricket match do after their game is over, as though there is nothing further to be done. There is no indication whether they will meet again and if so when. What next ? is not a question which seems to worry them. Yet it is difficult to see how India can make any political advance without a solution of the question which one may refuse to discuss. It does not belong to that class of questions about which people can agree to differ. It is a question for which solution will have to be found. How ? It must be by agreement or by arbitration. If it is to be by agreement, it must be the result of negotiations—of give and take and not of surrender by one side to the other. That is not agreement. It is dictation. Good sense may in the end prevail and parties may come to an agreement. But agreement may turn out to be a very dilatory way. It may take long before good sense prevails. How long one cannot say. The political freedom of India is a most urgent necessity. It cannot be postponed and yet without a solution of the communal problem it cannot be hastened. To make it dependent on agreement is to postpone its solution indefinitely. Another expeditious method must be found. It seems to me that arbitration by an International Board is the best way out. The disputed points in the minorities problem including that of Pakistan should be remitted to such a Board. The Board should be constituted of persons drawn from countries

outside the British Empire. Each statutory minority in India—Muslims, Scheduled Castes, Sikhs, Indian Christians—should be asked to select its nominee to this Board of Arbitration. These minorities as also the Hindus should appear before the Board in support of their demands and should agree to abide by the decision given by the Board. The British should give the following undertakings :—

- (1) That they will have nothing to do with the communal settlement. It will be left to agreement or to a Board of Arbitration.
- (2) They will implement the decision of the Board of Arbitration on the communal question by embodying it in the Government of India Act.
- (3) That the award of the International Board of Arbitration would be regarded by them as a sufficient discharge of their obligations to the minorities in India and would agree to give India Dominion Status.

The procedure has many advantages. It eliminates the fear of British interference in the communal settlement which has been offered by the Congress as an excuse for its not being able to settle the communal problem. It is alleged that, as there is always the possibility of the minorities getting from the British something more than what the Congress thinks it proper to give, the minorities do not wish to come to terms with the Congress. The proposal has a second advantage. It removes the objection of the Congress that by making the constitution subject to the consent of the minorities, the British Government has placed a veto in the hands, of the minorities over the constitutional progress of India. It is complained that the minorities can unreasonably withhold their consent or they can be prevailed upon by the British Government to withhold their consent as the minorities are suspected by the Congress to be mere tools in the hands of the British Government. International arbitration removes completely every ground of complaint on this account. There should be no objection on the part of the minorities. If their demands are fair and just no minority need have any fear from a Board of International Arbitration. There is nothing unfair in the requirement of a submission to arbitration. It follows the well known rule of law, namely, that no man should be allowed to be a judge in his own case. There is no reason to make any exception in the case of a minority. Like an individual it cannot claim to sit in judgement over its own case. What about the British Government ? I cannot see any reason why the British Government should object to any part of this scheme. The Communal Award has brought great odium on the British. It has been a thankless task and the British should be glad to be relieved of it. On the question of the discharge of their responsibilities for making adequate provision for the safety and security of certain communities in respect of which they have regarded themselves as

trustees before they relinquish their sovereignty what more can such communities ask than the implantation in the constitution of safeguards in terms of the award of an International Board of Arbitration ? There is only one contingency which may appear to create some difficulty for the British Government in the matter of enforcing the award of the Board of Arbitration. Such a contingency can arise if any one of the parties to the dispute is not prepared to submit its case to arbitration.

In that case the question will be: will the British Government be justified in enforcing the award against such a party ? I see no difficulty in saying that the British Government can with perfect justice proceed to enforce the award against such a party. After all what is the status of a party which refuses to submit its case to arbitration ? The answer is that such a party is an aggressor. How is an aggressor dealt with ? By subjecting him to sanctions. Implementing the award of the Board of Arbitration in a constitution against a party which refuses to go to arbitration is simply another name for the process of applying sanctions against an aggressor. The British Government need not feel embarrassed in following this process if the contingency should arise. For it is a well recognized process of dealing with such cases and has the imprimatur of the League of Nations which evolved this formula when Mussolini refused to submit to arbitration his dispute with Abyssinia. What I have proposed may not be the answer to the question : What next ? I don't know what else can be. All I know is that there will be no freedom for India without an answer. It must be decisive, it must be prompt and it must be satisfactory to the parties concerned.

[Contents](#)

[Appendices](#)